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R. Rantoul Jr.

MEMOIRS

James M. Van Cott

SPEECHES AND WRITINGS

OF

ROBERT RANTOUL, JR.

EDITED BY

LUTHER HAMILTON.

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PREFACE.

The design of this work being to present a just and true account of the personal character and public services of Robert Rantoul, Jr., I have given, in illustration of his principles and the objects at which he aimed, his own Speeches and Writings, and the circumstances which called them forth, as well as whatever information could be gathered from those who knew him most intimately from his birth to his death. I have, besides, enjoyed the benefit of a personal acquaintance with him from the commencement to the close of his public life; and if I have not succeeded in forming a just estimate of his character, I may have been misled by the sentiments of respect and affection with which its noble traits and excellences never failed to inspire me. For I will not deny, that if a sincere admiration of Mr. Rantoul's private and public character be a disqualification for editing this work, its success must be particularly affected and hurt by it. To speak of him as he was, is to praise him. Let the reader, therefore, pardon me if he find sober narrative sometimes uttering the warm language of eulogy. It could not otherwise have been true.

The biographical sketch of Mr. Rantoul in his earliest years, and up to the time of his graduation at Harvard College, is from the accomplished pen of his kinsman and friend, Rev. A. P. Peabody, D. D., of Portsmouth. This, with the extracts from the letters of Doctors Ray and Torrey, and the three short poems, which are thrown in, not so much to show his poetical talent, as the delicacy of his sentiments, and the tenderness of his personal character, constitutes the first Chapter.

I am also indebted to the kindness of Richard H. Dana, Jr., Esq., for a full and accurate report of the Sims Case, in which Mr. Rantoul's service, as counsel for the alleged fugitive from slavery, was so honorable to his ability as a constitutional lawyer, and to the humanity and justice of his sentiments. To C. L. Woodbury, Esq., I am also under obligations for information in relation to what is known to lawyers as the New Bedford Bridge Case, and to Mr. Rantoul's practice in trials for infringement of patent rights. Of whatever else in this work appears as editorial, I take the exclusive responsibility; and that responsibility will appear sufficient to any one, who considers how many important subjects are touched upon, and how much one, who does his own thinking, hazards, in these times of panic patriotism, when republican America, in her pretty innocence, babbles, like the old despotisms of Europe, of finalities; and a free word, spoken by free lips, is freighted with magic thunder to shake the pillars of the Constitution. Freedom must be at its last gasp, when such a man as was Robert Rantoul, Jr., can be excluded from a democratic convention, for holding fast the sacred rights of opinion and discussion, — rights essential to liberty and manhood, and hostile only to tyrants. But in the cause of human rights he spake, and "though dead, he yet speaketh;" and could the voice of all the friends of freedom united, give to the dust that rests upon its native Atlantic shore its former vitality, the restored could not speak with more effective, if, "miraculous, organ" for truth, liberty, and the happiness of the people, than he has spoken in the works here republished.

If they shall enkindle in one human soul a new and more earnest sentiment of humanity, a profounder respect for justice in political institutions and laws, and a higher reverence for the majesty of virtue in private and public life, the editor will feel that his humble service is a thousand times rewarded.

ROXBURY, JUNE 17, 1853.

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CHAPTER I.

PARENTAGE AND BIRTH. — HOME INFLUENCES. — PERMANENT TRAITS OF CHARACTER EARLY DISPLAYED. — HIS FIRST SCHOOL TEACHER, ETC.

The family of Rantoul is of Celtic origin. The name, not unknown to Scottish history, is derived from two Gaelic words signifying mountain cavern. Robert Rantoul, Jr. was born in Beverly, Mass., August 5, 1805. He was the eldest son of Robert and Joanna Lovett Rantoul. Of his father, ripe in honors as in years, we trust that it may yet be long before we can speak in such terms as delicacy forbids us to apply to the living. His mother, who died in the summer of 1848, was a person of superior discernment and discretion, of a serene and gentle spirit, and of the most cheerful and loving piety, — one whose youth had the wisdom of age, and whose age the guileless simplicity and fresh affections of youth. Under the most salutary home influences, Robert developed in his very infancy the prominent traits of character that marked his whole subsequent life ; such as reverence for the truth, frankness, and openness in expressing his convictions, strong domestic attachments, modest and unassuming habits of social intercourse, and uniform courteousness of demeanor towards persons of every age and condition. His childhood has left, in the memory of his superiors in age, recollections of ingenuousness, veracity, modesty, docility, and tender conscientiousness. His advantages for intellectual culture were unusual at that day, when the floodgates of juvenile literature had not been opened, and but little had been done by the press or by improved modes of education to smoothe the ascent of the hill of science. The books to which he had constant access, were those of Berquin, Dr. Aiken, Mrs. Barbauld, Miss Edgeworth, and Hannah More, — all of them writers adapted to awaken the mental curiosity, and to give a right direction to the moral purposes, without fostering the inordinate love of amusement or excitement, which is cherished by so much of the juvenile reading of the present time. He was peculiarly happy in his first school, and to the last day of his life expressed greater obligations to its teacher than to all the instructors in his subsequent career as a student. She was a bold innovator in her department, and had anticipated all that is valuable in the ameliorated school system of the present generation. She was not a mere imposer of tasks or hearer of lessons. School books held a secondary place in her administration. She imparted knowledge orally, read to her pupils extracts from works of history and science, and by a Socratic mode of interrogation drew out their powers of reasoning and judgment. We have before us a journal commenced by Robert in his ninth year, which bears such marks of careful thought, discriminating habits of reading, and accurate expression, as do equal credit to the child and to those who participated in the formation of his character. A single extract from his journal reads as follows: 'Jan. 4, 1814. Gained the following idea, namely, that I had better sometimes be imposed upon, than never to trust.'

From this school he was removed to the public grammar school of his native town, where, with a brief interval under the tuition of Mr., now Rev. Dr., Rufus Anderson, he acquired the rudiments of classical learning. The wishes of his friends and his own tastes and capacities pointing to a liberal education, he was placed, at the age of fourteen, at the Phillips Academy in Andover, then under the tuition of the veteran teacher, John Adams. We cannot better portray his character at that period, and the promise of future eminence which he then gave, than in the words of a class mate and room mate, now a distinguished member of the medical profession, Dr. Ray, of Providence, R. I.

"After an interval of more than thirty years, my recollection of his mental manifestations calls up some of that 'especial wonder' which they excited then. The poems he had planned and even begun, the systems of philosophy he had conceived, and the numberless improvements of one kind or another he had meditated, evinced remarkable fertility of mind, and indicated very plainly what were the objects of his ambition. The trait which impressed me most, was his unquenchable thirst for knowledge, which sought for gratification in every field of human inquiry. Whatever arrested his attention, whether it were a paper in the Spectator, a speech in Congress, a new poem of Lord Byron's, or a recent invention in the arts, it absorbed all his faculties, and was thoroughly mastered and digested before he left it. A speculation in metaphysics, or a theory of political economy, seemed to be as welcome as the lightest productions of the press, and more capable of exciting original thought. This extraordinary mental activity was accompanied by great tenacity of memory, which enabled him to retain whatever he once learned, and which, I believe, was never diminished in after life. It placed his immense acquisitions always at his command, and rendered it easy for him, at any time, to pour a flood of light on points which, from men less happily endowed, would have required days and weeks of laborious investigation. His remarks on the books he read showed a degree of originality and independence not often witnessed in lads of his age. He scrutinized very closely what he read, taking nothing on trust, and never passively adopting the conclusions of others, but using them for forming opinions of his own. He was fond of discussion, and was one of those who could argue just as well after being vanquished, which was not often the case, for his command of language, his quickness of apprehension, and great acquisitions, rendered him a formidable opponent. Metaphysics had engaged his attention, like almost every thing else, and judging from my impressions, he had completely mastered Locke. In English literature, his reading had been extensive and critical, and Shakspeare and Milton were his favorite authors. In the politics of the day and the great questions at issue, he was deeply interested, and though the views of a school-boy on subjects which divide the prominent men of the time can be of no moment, except as indicative of tastes and tendencies, yet it is a fact worth notice, that the doctrines of free trade which afterwards constituted a cardinal principle in his political creed, were then advocated as sincerely and earnestly, if not with equal copiousness of illustration, as at any subsequent period. In the political history of the country, and especially of public men, he was well versed, and made it a frequent topic of conversation. His intellectual superiority was universally acknowledged among his companions, the more readily perhaps because it was free from all pretension and conceit. He was equally ready to recognize the merits of others, and feelings of envy or jealousy were never among the number of his moral infirmities."

During his residence at Andover, if not previously, Robert acquired the habit of studying less with reference to the requisitions of his teachers than to the demands of his own intellect,—for the sake, not of reciting, but of knowing. His engrossment in the theme that was uppermost in his mind for the time being was so entire, that he could hardly call himself off from it to perform a prescribed task. Thus while his standard very highly transcended that of his school, and his acquirements took a wider range than seemed within the scope of a school-boy, it seldom happened that his pursuits coincided with the academic course. He undoubtedly held the minutiæ and the mere technicalities of learning in undue disesteem ; but at the same time he was in his novitiate so thoroughly grounded in the rudiments of the classical languages, and in the fundamental principles of mathematics and natural science, that they were ever afterwards at his free command and ready service.

In 1822 he entered the Freshman Class at Harvard College. Here he manifested in fuller development the traits that had marked his career at Andover. He was indefatigably industrious, frequently studying fourteen hours out of the twenty-four, but pursuing his studies with so little reference to the college course, as often to absent himself for days together from the regular exercises of his class, or to omit all special preparation for them, and to rely solely on his previous acquisitions or general knowledge. He thus on ethical, metaphysical, and especially political subjects, often made copious and brilliant recitations, in which the professor's slow finger sought in vain to track him down the pages of the text-book, till failing to identify a single sentence with the words of the author, he cut short the harangue with "you may sit," and marked with a cipher incomparably the most scholarly exercise of the hour. We do not name this as worthy of imitation. We believe that Mr. Rantoul himself would have been the last person to commend his own example in this regard to any college student. Nor is there one youth of seventeen in a thousand, whose aims are sufficiently definite, and the scope of whose intellectual horizon is sufficiently enlarged, to enable him to give a profitable direction to his own course of study.

During his residence at Cambridge, Mr. Rantoul devoted a then unusual amount of time to the languages and literature of continental Europe. These he pursued with but little tuition, except in the German, in which he was a member of the first class of volunteer students under the late Dr. Follen. His reading in these languages was far from being desultory. His chief object was to familiarize himself with national characteristics, institutions, and political history of the nations of Christendom. With reference to France especially, he commenced in college a course of patient and elaborate research, which he pursued at brief intervals through life, and which made him in latter years hardly less familiar with the French chroniclers of the Middle Ages, and with the codes of Charlemagne and his successors, than he was with the news of the day and the laws of Massachusetts. He was at this early period profoundly interested in the science of government and legislation, and became intimately conversant with the leading continental writers in these departments, especially with Beccaria and Montesquieu. The plans of reformation in the administration of justice which enlisted much of his most assiduous industry and most earnest effort in after life, were already familiar subjects of inquiry and conversation; and the questions of this class which he subsequently sought every opportunity of discussing before popular and legislative assemblies, were raised and mooted under his auspices in college debating societies and at the social meetings of his fellow students. His father was the pioneer in the movement for the abolition of Capital Punishment in Massachusetts, and had early commended this cause to the warm advocacy of his son, whose Report on that subject (in 1836) presented to the House of Representatives, is confessedly unsurpassed in thoroughness and ability by any argument in the same cause that has seen the light on either side of the Atlantic. But in reading that report, we could not find a single fact or reasoning of importance with which he had not made us familiar before the close of his college life.

His industry did not isolate him, or interfere in the least with his social relations to such of his class mates and coevals as sympathized with his pursuits, or possessed any measure of mental activity and earnestness. While he bore no part in the trivial amusements, the gaieties, or the frivolous society of college life, he did all that was in his power to inspire others with tastes kindred to his own. It is believed that he exerted a stronger and wider influence than any other member of his class. He was chiefly instrumental in forming a society for literary exercises on a freer and more generous principle of election to membership, than prevailed in the societies previously existing. At a subsequent period, he effected the union of this association with two others of earlier date, under the name of the "Institute of 1770," which was divided into several sections for the cultivation of general literature, chemistry, geology, and natural history. He presided over the formation of the library of this society, and procured the importation of many valuable books which were not at that time to be found in the University Library. In addition to these manifestations of public spirit, he was profusely generous of his time and labor in assisting the studies and investigations of his class mates. While he sought no college honors for himself, he contributed many of the choicest materials for the themes, forensics, and prize dissertations of those who were ambitious of the highest places; and we can remember repeated instances in which, on a difficult subject with which no other member of the class had made himself familiar, he was so lavish of his own knowledge, thoughts, and arguments, as completely to deprive himself of all that would have been characteristic of his own performance, so that when he read in his alphabetical place in the division, he might seem to have borrowed his entire paper from those who had preceded him, and had drawn every thing from him. The esteem in which he was held by his class was attested by their choice of him as their valedictory poet. He was an easy and fluent writer both in prose and verse, and was wont to trust to the fortune of the last hour in whatever he wrote. But we well remember the consternation of the class, the day before the valedictory exercises, on finding that not a line of the poem had been written. An entire failure was anticipated by his best friends; for the occasion was one which could have been adequately met only by a performance of considerable length and respectable excellence. It was even hoped by some, for the credit of the class, that he would let the whole matter go by default, rather than venture on so doubtful an experiment as must then be made. But in the evening he addressed himself to the work, and with hardly a moment's repose till the procession was formed, he appeared on the following day with a poem which occupied more than half an hour in delivery, (containing forty-four Spenserian stanzas, or three hundred and fifty-two verses,) and which, alike by easy versification and its bold and vigorous thought, commanded profound attention and universal applause. The poem, however, though so entirely successful as regarded its immediate occasion, presents, on a leisurely perusal unmistakable marks of the high pressure under which it was composed. Yet there are two grounds on which it has a peculiar interest and value to his biographer. In the first place, it reassures our own reminiscences of his favorite studies; for it contains, of course, a brief, yet a sharply drawn and original outline of the stages of human progress, from the despotic institutions of antiquity to the republicanism of the nineteenth century. And, secondly, it vindicates the consistency of his subsequent character and career as a politician; for it exhibits at this early period the adoption of the leading opinions and sentiments which determined his position and action in public affairs.

Mr. Rantoul's character was fully formed and maturely developed at the time of his graduation, and presented itself to those who knew him then in the same aspects in which they viewed it in his riper years, and amidst the labors and conflicts of forensic and political life. Foremost among his characteristic traits, we might place his transparent honesty. He never suppressed or disguised a conviction or opinion. He seemed incapable of fear as to the results of free and candid utterance. He was no less explicit and earnest in an unpopular cause, than when sustained by the sympathy of multitudes. He was sincere in the fullest sense of that word, not only frank but whole-hearted. Lukewarmness seemed an impossibility for him. Half-way profession or advocacy was abhorrent from his very nature. He advanced towards his chosen end, without surveying the modes or weighing the chances of retreat. He committed himself at once and decidedly, and was ready to face whatever consequences might flow from his speech or action.

His ambition was of no ordinary kind, but was part and parcel with his earnestness. Its object was not place or gain, but a full bearing and an appreciable and growing influence. He was ready to make any personal sacrifice rather than keep silence where he felt deeply. He has always reminded us of the Grecian general, who, when his superior officer was about to arrest his remonstrance by a blow with his staff, exclaimed, "Strike, but hear!" It was for this reason that he found it difficult, or rather, that he never attempted, to keep within strict party lines, and was often the advocate of measures that were repudiated by his political associates.

His interest and zeal in judicial, educational, and moral reform, demand our notice at this early period of his career; for they were not superinduced upon other objects of endeavor, but took precedence of whatever else claimed his regards and efforts. These concerns were not mere episodes in his public life, but always held the uppermost place in his mind. He attached himself to the democratic party at a time when there was no prospect of its ascendency in his native State, mainly because (whether right or wrong) he deemed it the progressive party, and had more confidence in its ultimate advocacy of the causes that were nearest to his heart, than in their advancement through the more conservative influence of the then dominant party in the State. He was fully aware that he jeopardized his own political elevation by his support of unpopular reforms.

In his labors for the abolition of capital punishment, he was conscious of alienating those whose support would have been of the most avail, had official station been his chief aim. He knew that he lost ground as a politician, for himself and his party, by his uncompromising adherence to the cause of temperance; but it was a cause commended to him by paternal precept and example from his earliest years, and one which had so strong a hold on his sympathies, that in the latter portion of his life he was wont to absent himself, whenever practicable, from public dinners and festive occasions at which intoxicating liquors were used, while he would often put himself to serious inconvenience in order to attend a celebration or entertainment conducted on the opposite principle. In behalf of popular education, he labored equally regardless of party tactics or of personal interest. He was among the pioneers in establishing the Lyceum system, which has exerted so large an influence on the rising and just risen generation. His exertions in this cause commenced before he left college; and how zealously and usefully they were pursued immediately afterwards, the following extract from a letter from Dr. Torrey sufficiently shows.

"Twenty-four years ago, in the winter of 1828–9, Mr. Rantoul, who was then studying law with the Hon. Leverett Saltonstall, of Salem, projected, and, with the coöperation of a few others whom he had interested in his plans, carried into successful action in this town, (Beverly,) the first Lyceum it is believed that was established in New England. In the early days of this institution the lecture of the evening was usually preceded by a discussion upon some subject proposed at a previous meeting, in which opposite positions were assigned to specified members of the Lyceum, who were to be designated by the presiding officer. These debates were engaged in with very considerable spirit, and served to attract by their novelty and interest a larger attendance upon the rather dull lectures of those days than could otherwise have been secured. It was in this preparatory school, so to call it, that his friends first observed, with sanguine expectations for the future, that remarkable aptitude for debate, that keen logical acuteness in argument, and those ready and ample resources of wit and learning which afterwards so distinguished him in the courts of law and the halls of legislation. Here were first maintained by him, in friendly conflict with his fellow townsmen, those views in regard to great public questions, the powerful defence of which in his maturer life and on wider fields has made his name known abroad, as well as famous at home. The doctrines of free trade, the abolishment of all capital punishments, the mischiefs of excessive special legislation, and many other topics of social and political interest and importance, introduced with the lectures and debates before this Lyceum, met there the apt touches of his "'prentice hand," to be afterward enforced and defended by him as a master and leader among his fellows, in the forum and in the councils of the State.

"The familiar and extended knowledge of history, art, and science possessed and exhibited by young Rantoul, was not more remarkable than the well arranged and fully digested condition which it held in his memory; so that let the subject of debate be what it might, it was always sure to be refreshed from some well of literary, political, scientific, or statistical lore, such as few others could boast of. By reason of this, did he in these amateur discussions with professional men, teachers, and others, by bringing the lights of history to illustrate the question before them, and the balances of dates and of figures to weigh its probabilities, or its dependencies, or its truth, did much, unquestionably, to stimulate a spirit of investigation, and cause opinion to be grounded upon something better than loose conjecture, easy credulity, and the pertinacities of prejudice. At this early period of his life was manifested a trait of character, which afterwards illustrated his professional as well as political career; it was an *ambitious* trait — (every one saw, knew, and said he was 'ambitious,' though not all meant it in the same sense) — an ambition to convince the understandings of people of what he conceived to be the right and the true, rather than to dazzle and astonish their fancies with the figurative and the brilliant. Even in these amateur debates at the Lyceum, he never was willing to undertake the support of that side of the question which contradicted his own private belief and understanding; and in defence of what he regarded as the truthful and proper view, so bent was he upon the thorough and convincing establishment of it, that in the quickness of his logic and the strictness of his matter of fact reasoning, he was prone to forget or neglect the great subsidiary lights of rhetoric and imagination. Thus his oratory sought less to delight the fancy than to search men's brains for the consent of their experience and the approval of their judgment, — it was of the old Doric order, and would neither have been strengthened or improved by Corinthian acanthi, or the florid ornaments of later schools."

While institutions of this character were in the early stages of their development, and services rendered them were always gratuitous, and often costly to the lecturer, Mr. Rantoul held himself ready for every call, and bestowed the best fruits of his genius and industry with a cordial alacrity proportioned not to the conspicuousness of the stage on which he was to appear, but to the intellectual destitution and neediness of those who sought his aid. Labors in this department made him conversant with the existing standard of general education and culture, and impressed upon his mind the necessity of a more ample basis for popular intelligence than was afforded by the common school system, which had not been so enlarged and liberalized as to meet the demands of the age. The Massachusetts Board of Education, the Normal Schools, the legal provision for school district libraries, and the publication of the Common School Library, were among the objects which he sustained and urged through evil and through good report, in behalf of which he encountered misrepresentation of position and obloquy, and in the accomplishment of which he took immeasurably more satisfaction than in any successes or emoluments of a merely personal character. We speak advisedly when we say, that these permanent interests of humanity always occupied the foremost place in his mind. It was of these that he talked at home with his family, and among his intimate friends. It was for these that he expressed and manifested intense solicitude when they were in jeopardy, and unfeigned sadness when they were depressed or defeated. Indeed, when any measure for the promotion of these ends was in agitation, it occupied his thought and speech so constantly, that one might have been daily in his society for weeks together without being once reminded that he was a lawyer or a politician. On the other hand, what the world deemed his serious pursuits, he treated as his avocations, his side-callings, the mere by-play of his life; no one ever saw him over solicitous for office or emolument, or saddened or disheartened by the failure of his more strictly personal ends. Nor does this seem strange to those who were conversant with his early life. The causes of reform and progress to which he devoted the best strength of his maturity, were the same which had been uppermost in his father's mind, and in which he was disciplined and indoctrinated by domestic education and influence, so that energetic action in their behalf was the day-dream of his boyhood, the constantly ripening purpose of his youth, the end to which he had consecrated his energies before the objects of a less noble ambition had assumed distinctness to his view.

Nearly allied to this philanthropic spirit, and symptomatic of its genuineness, was his generous, self-forgetting friendliness in aiding the worthy efforts of others. Whatever resources he had were at the command of friend and stranger alike. His books, his time, his ripest thoughts, were at the service of any one, however young or ignorant, who was engaged in the pursuit of knowledge, or the investigation or diffusion of truth. He claimed no copyright for the results of his genius or his toil; but so long as they subserved the end which he held in view, he cared not who made use of them, or to whom their credit redounded. Nay he seemed more happy in contributing to the beneficent instrumentality and the fair fame of others, than in reaping the rewards of his own genius and industry.

His habits of study continued through life on the model on which they were formed in his college days. He studied not books, but subjects. Whatever was proposed for his investigation, whether a fact or character in history, a point in ethics or economics, or a case in jurisprudence, his first care was to bring together all within his reach that had any bearing, however remote or incidental, on the matter in hand; nor till he had taken a survey of the whole did he deem himself authorized to write or speak with any confidence as to any portion or aspect of the subject-matter. We have never known a method of study so thoroughly exhaustive as his; nor was his capacity of using large and heterogeneous masses of material inferior to his skill and industry in collecting them. He cross-questioned facts and literary testimonies, traced opinions back to their sources, and on through their various relations and their reciprocal bearings, and manifested marvellous acuteness in selecting from a multitude of circumstances, those which were significant and typical, and in drawing forth from them whatever unrecorded events, states of society, or conditions of sentiment or feeling they indicated. It was seldom that he found the paltriest scrap of intelligence, history, or archaeology, of metaphysics, ethics, or law, for which he had not a ready use for the illustration of some one of the many topics of inquiry constantly before him.

Among the prominent traits of his early and life-long character, we might name the extreme simplicity of his tastes. In manners, void of assumption, ostentation, and pretence; in dress, neat from instinct and principle, but severely plain; in diet, erring, if at all, on the side of meagreness and abstinence; in his whole personal bearing modest and retiring, yet affable and friendly; he carried into manhood all that is manly in the ingenuousness of early youth, and in every other regard maturing faster than his years demanded, in these things he seemed always young. With such tastes and habits, of course home-society, home-pleasures, were his chief resource and joy. Nor have we ever known an instance, in which all the freshness and warmth, the simplicity and purity of home-feelings have been retained so wholly unimpaired through many years of public office, professional toil, and distracting care. It was eminently true of him, that his heart was incapable of growing old; and to those who enjoyed his familiar intercourse, the only change that passed over him from early manhood till he died, seemed that of growing wisdom and worth, while not a juvenile attachment was weakened, not a tie of local interest loosened, not a sentiment of respect for his elders, or a considerate regard for his juniors or his inferiors in intelligence or social position, impaired.

Two of the following Poems were written during an excited political campaign in 1836: —

PURE LOVE PEACEFUL.

While passions vile are waging
Rude war within the breast,
The soul's fierce storms assuaging,
Love breathes eternal rest.

Begone, then, wrath and malice,
Envy and hate, begone!
Affliction's bitter chalice
Rather I'd drain alone,

Than e'er one drop of sadness,
Like poison in his cup,
Should mar my neighbor's gladness,
Or disappoint his hope.

Be ye a band of brothers,
And unto others do
That which ye would that others
Should render unto you.

Then shall ye bask surrounded
With life divine above,
For heaven is joy unbounded,
And God, our Lord, is love.

◆

PURE LOVE ETERNAL.

If e'er two hearts united
In love, life's weary way,
Wander, and troth once plighted
Keep, till their dying day,

Think not the bond shall sever,
That bound them here below,
United still forever,
Their onward course they go.

Whether the path of glory
It was their lot to tread,
Whether their humble story
Be in oblivion dead;

Those mansions, pure and holy,
Alike await above
The lofty and the lowly,
Who always live in love.

With light divine surrounded,
They bask in bliss above,
For heaven is joy unbounded,
And God is sacred love.

◆

LINES WRITTEN ON THE BIRTH OF HIS SON ROBERT.

A world of cares, and fears, and doubt, and strife,
Blossom of hope, sweet promise of much joy,
Welcome, my first-born, to this world of life,
Thy father bids thee welcome to it, boy.

Welcome, young stranger, to this changing state,
Of weal or woe. As yet thou knowest naught,
Nor heed'st thou, of the turns of fickle fate,
With which thy future destiny is fraught.

And ere thy days of trial shall be nigh,
Prosperity her flattering tale shall tell,
False, yet believed : such as, in days gone by,
With greedy ear I drank, and now remember well.

God's universe was paradise to me;
With thrilling ecstasy creation teemed;
One living emerald glowed the outspread sea;
And heaven's blue arch one vaulted sapphire beamed.

In the bright sunshine of those cloudless days,
My young heart basked, while balmy zephyrs breathed;
Immortal Hope her brow with amaranth wreathed,
Ambition showed, far off, the victor bays.

But stern reality at last draws near,
Those empty visions all have taken wing;
Life's winter comes, 't is cheerless, cold, and drear, —
How sad a contrast to its verdant spring!

June 2, 1832.

CHAPTER II.

MR. RANTOUL'S CHOICE OF A PROFESSION, AND HIS DISTINCTION IN IT.

If his natural character, and the circumstances of his early education, were prophetic of his future eminence, not less so were the advantages which Mr. Rantoul enjoyed in the study of Law. This direct preparation for professional duty he commenced in 1826, in the office of Mr. John Pickering, of Salem, whose varied scholarship and literary accomplishments, united with his profound learning as a lawyer, well qualified him to guide the studies of a young and ardent inquirer after truth. Mr. Rantoul's habits of industry and his love of intellectual improvement, which with him was a passion, joined with a memory retentive of every fact, or principle of which he had once gained a clear conception, made his advancement rapid, and his knowledge various and liberal. He had the benefit of wise guidance to the sources of information, and a rare facility of acquiring it. Such was his peculiar constitution of mind that his acquisitions were, at the same time, easy conquests and permanent possessions. Once put in charge of his memory, they were never surrendered. In every emergency they were at the command of a judgment sound and discriminating. This unusual combination of faculties gave him rank in mental endowments among the most gifted men of genius.

Mr. Pickering's select and voluminous library opened to Mr. Rantoul's active mind a wide field of congenial labor, of which the fruits, in his after life, proved the diligence of his cultivation. Here was pursued, if not commenced, his indefatigable study of mediaeval history, in the knowledge of which, especially that of France, he had few equals among American scholars. His mastery of this branch of learning contributed to his fitness for political life, as well as to his usefulness and celebrity at the bar. By principle and habit an economist of time, he suffered no opportunity of intellectual improvement to be lost. His tastes, indeed, inclined him to literary rather than juridical pursuits. But by patient delving in the dry technicalities of the law, for the sake of a knowledge of its essential principles, he gained, at least, that discipline of the understanding, which genius most needs for its correction and guidance.

On Mr. Pickering's removal to Boston, Mr. Rantoul became a student in the office of Mr. Leverett Saltonstall, a lawyer of high reputation, a representative, for several years, to Congress from Essex South District, a gentleman of generous and attractive social qualities, whose friendship, freely given to Mr. Rantoul, notwithstanding differences of political opinion, was, by the latter, highly appreciated and uninterruptedly enjoyed. While in the office of Mr. Saltonstall, as in that of Mr. Pickering, the aptitude of Mr. Rantoul's mind, and his preference for the investigation of political subjects, were decidedly manifested. The important facts of history and biography, especially as connected with European and American legislation, he traced to their sources, treasured in his memory, and arranged in philosophical order. In these studies he found compensation for irksome and distasteful toil in the more barren field of mere professional inquiry.

In the year 1829 he was admitted to practice at the bar; and in a few months afterwards, 1830, occurred in Salem the trial of the Knapps for the murder of Mr. White. In this case Mr. Rantoul was employed as one of the junior counsel for the defence. Objection was made to his acting in that capacity arising from rules adopted by the profession, whether reasonable, or otherwise, which required a longer practice, in the inferior court, than his age as a lawyer had yet afforded him. To that objection the choice of his clients and his ability to serve them were a sufficient answer. The office, however, to which he was called, and which he honored by his fidelity and skill, was one extremely unpopular and considerably hazardous. Such was the state of public feeling in Salem against the accused, that their young counsel suffered, undeservedly, the disheartening influence of the averted eyes, and the broken friendship, of many who knew, and ought to have justified, the purity of his motives. In this usually staid and sober community, not undistinguished by its Christian culture and intellectual advantages, the ferocity of the cries for the blood of these men, bore too much resemblance to that of the crime of which they were accused.

Mr. Rantoul felt in every way the unjust and sickening effects of this excited state of feeling in the public; an excitement which he regarded not only as hostile to the accused, but to the calmness and the fairness of judicial proceedings, in a case of life and death; and he never could divest himself of the belief, in which he has since been sustained by more than one eminent jurist, who has examined the case, that one of the defendants suffered unjustly. It is certain, however, that neither the remonstrances of friends, nor their averted looks, nor the general excitement, had power to relax his efforts in behalf of his clients; for he was as independent and resolute in duty, as he was kind and humane in his feelings. How much the circumstances of this trial confirmed opinions which he had early imbibed, in relation to the law of capital punishment, can be better imagined than ascertained. It is well known, that from this time forward, he cherished an unalterable determination to spare no exertions, justified by reason, to expunge from our statute book this blood-stain handed down from ages of barbarism. Of his legislative labors to this end, an account will be given in the sequel.

In this important trial, Mr. Rantoul's participation, so humane, so conscientious, so obedient to his convictions of duty both as a man and as a lawyer, was at the cost of grievous sacrifices. Besides those already referred to was his long cherished purpose of making Salem the place of his permanent residence, as it was of his professional studies. From this town, it is but a short distance, a pleasant walk, to the scenes of his earliest recollections and dearest joys; the home of his childhood and youth; the residence of his parents, to him, therefore, the most sacred spot on earth, and of a numerous circle of his most beloved, as they were his most loving and admiring friends. Salem, too, besides its social advantages, offered many attractions to a young man of learning and genius, and among them the prospect of enjoying the rewards of a useful and eminent professional career. It may well be confessed that the abandonment of prospects like these, required great moral courage, a stern and inflexible virtue. At the time Mr. Rantoul became one of the counsel for the defendants, he must have foreseen the undeserved hostility to him of the most influential, as it was the richest class, of the people of Salem. Their passions were roused to the highest degree, and not without cause. Mr. White was a rich man, and atrociously murdered for his property.

Whatever may have been the cause, and certainly it was one altogether independent of his character as a man of strict integrity, of ability as an advocate, and of learning as a lawyer, Mr. Rantoul never received in Salem, or anywhere else, the patronage of wealth. He would not receive it as the price of his moral and intellectual independence. The emoluments of his profession were no adequate compensation for the time and the labor he bestowed upon it. This remark applies without qualification to his earlier life as a lawyer, and is true of the whole of it. Whatever even of applause he received from those who ought to have been the first to recompense his services, was extorted, only by surprising displays of genius. It was often in appearance, at least, an unwilling homage to his intellectual power.

In 1831, Mr. Rantoul married Miss Jane Elizabeth Woodbury, a young lady qualified to be, to him, so distinguished for purity of character and affluence of intellect, his chosen companion in life. She is a relative of the late Judge Levi Woodbury, whose eminence, as a jurist and a truly American statesman, will long be revered and honored by his countrymen. In the quiet enjoyments of home, which he most heartily loved, Mr Rantoul found a needed solace for the cares and vexations of professional and political life; a solace required as much by his tender and ingenuous nature, as by the rough trials of his condition and circumstances.

On leaving Salem, Mr. Rantoul resided for two years in the town of South Reading, to whose citizens, on the fourth of July, 1832, he delivered his first public political address. In 1833 he removed to Gloucester, where he continued in the practice of his profession to 1838, in which year he opened an office in Boston. The citizens of Gloucester, in four successive years, beginning in 1835, by large majorities, elected him a representative to the state legislature. The honorable distinction which he acquired in that office, and the celebrity he conferred on this patriotic old town, will be appropriately referred to in a succeeding chapter.

In Boston almost the whole of his professional career, when he was not in the employ of the United States government as District Attorney, was a constant struggle against every species of unfriendly influences; for in Boston, more, perhaps, than in any other place, affording many individual examples of liberality of sentiment and great moral worth, a vast and almost omnipotent money-power opposes the principles of political reform, and fosters a hateful and unscrupulous intolerance. Mr. Rantoul had been widely and honorably known as a bold champion of political justice; an inflexible and eloquent advocate of the rights of man, as above those of property, whether held by individuals, or corporations. He had a sincere and just respect for mental power, exerted in any useful direction, and, especially, for that intelligence, which, triumphing over adverse circumstances, is able to secure success to enterprise and reward to industry. But he had a higher respect for integrity, justice, and truth: a higher respect for the rights of the poor, the weak, and the defenceless. He acknowledged no authority in an oligarchy of wealth; no other nobility than that conferred by beneficence to mankind, by services actually rendered to his fellow-creatures. What he regarded as the humanity and justice of his political opinions, were treated, by the selfish and the arrogant, as treasonable to wealth. And hence the fact that neither the extent, nor the emoluments of his professional practice, indicated his merit as a lawyer, or its just reward. In short, he was a democratic lawyer in the city of Boston.

The consequence of his standing in this relation to politics is perfectly illustrated by the experience of the late Judge Joseph Story, one of the most distinguished of American jurists.

"He entered public life in 1805, when federalism was so predominant in Massachusetts, that his avowed sympathy with the republican party, and his consequent support of the administrations of Jefferson and Madison, not only seriously injured him in his profession, but, to a great degree, excluded him from the best society."* To precisely the same kind of hostile influences was Mr. Rantoul exposed, and they affected his professional and social interests to, at least, an equal degree. That sort of "best society" still bears sway in Boston, still maintains its ridiculous exclusiveness, and its wonted enmity to freedom of political opinion; transmitting its hereditary hate down, through the changes of times and of parties, to the present day. No purity of character, no cultivation of intellect, no splendor of genius, no social excellences, however refined or generous, can gain for a man of democratic opinions, a just consideration of his personal merits, or of his professional ability. It has been so from the early days of Story, and so will continue to be, while man himself shall be held in less honor than the accidents of his condition, while the worship of Mammon shall be fostered by special legislation, and admission to the "best society" shall depend less on moral worth and intellectual accomplishments, than on the glitter of wealth, or the fashionable utterance of the shibboleth of a party.

But notwithstanding these hostile influences, Mr. Rantoul's professional ability was not only vindicated, but at last, slowly, and, as it were, painfully acknowledged. He had a solid basis, and rose high to the sunlight, above the fogs and damps of party malignity and intolerance. It is due to him, due to the public and to the profession, of which he always deserved high honors, that some of those cases, in his conduct of which he revealed to unwilling eyes his various and extensive legal learning, his exact and forcible logic, his clear, effective, and convincing oratory, should be distinctly referred to.

One of the first in the order of time (1840) is known as the Journeymen Boot-Makers' Case, in which he "succeeded in obtaining one of the completest triumphs that it ever fell to the lot of an American lawyer to achieve. The defendants were charged with having entered into a combination to compel by force of numbers and discipline, and by imposition of fines and penalties, other journeymen to join their society, and masters to employ none but members. This is an unlawful conspiracy at common law in Massachusetts. 'The gist of the offence of conspiracy,' say the books, 'consists in a confederacy to do an unlawful act, and the offence is complete when the confederacy is made. It is not necessary, to complete the offence, that the confederacy should be to commit an act which is indictable.' The trial of the boot-makers came off before the Boston Municipal Court at the October term, 1840. Mr. Rantoul defended them with great eloquence and powerful arguments, and a vast array of legal and historical learning. He held and established, that the conduct of the defendants had not been unlawful; and that, therefore, they could not, in law and justice, be convicted of a conspiracy to perform an unlawful act. What they had an undoubted right to do in their capacity of individuals, that they had a right to do as a combination of individuals. 'A conspiracy to raise wages,' said Mr. Rantoul, 'could not be indictable in England, if it were not unlawful there for an individual to attempt to raise his wages. And the indictment in the case at the bar is bad, because each of the defendants had a right to do that which is charged against them jointly.'* The court ruled against the defendants, and the jury found them guilty. The defendants took several exceptions to the ruling of the judge, (Thacher,) and the case was carried up to the Supreme Court. Action was had on it at the March Term of that Court in 1842. The only exception considered by the Supreme Court was this: "The defendants' counsel contended, that the indictment did not set forth any agreement to do a criminal act, or to do any unlawful act by criminal means; and the agreements therein set forth did not constitute a conspiracy indictable by any law of this commonwealth; and they moved the court so to instruct the jury; but the judge refused so to do, and instructed the jury that the indictment against the defendants did in his opinion, describe a conspiracy among the defendants to do an unlawful act, and to effect the same by unlawful means; that the society, organized and associated for the purpose described in the indictment, was an unlawful conspiracy against the laws of this commonwealth; and that if the jury believed, from the evidence in the case, that the defendants, or any of them, had engaged in such conspiracy, they were bound to find such of them guilty.' Mr. Rantoul argued the case very elaborately. In conclusion, he said: 'All the counts in the present indictment are fatally defective; first in not averring any unlawful acts, or means; secondly, if any such acts or means are averred, in not setting them forth. The vagueness and generality of the charges are such, that *autrefois convict* could not be pleaded to a sound indictment for the same acts. When the end is not unlawful, the means should be set forth."* The Attorney-General (Austin) replied, and took ground in all respects precisely the opposite of that advanced by the defendants' counsel. The court maintained the exceptions, in these words, after a long train of reasoning: 'Whatever illegal purpose can be found in the constitution of the boot-makers' society, it not being clearly set forth in the indictment, cannot be relied upon to support this conviction. So if any facts were disclosed at the trial, which if properly averred, would have given a different character to the indictment, they do not appear in the bill of exceptions; nor could they, after the verdict, aid the indictment. But looking solely at the indictment, disregarding the qualifying epithets, recitals, and immaterial allegations, and confining ourselves to facts so averred as to be capable of being traversed and put in issue, we cannot perceive that it charges a criminal conspiracy, punishable by law. The exceptions must, therefore, be sustained, and the judgment arrested.' †

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* Life and Letters by his Son.

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* Thacher's Criminal Cases, p. 634.

"We have dwelt at some length on this case, because it not only involved a great question bearing upon some of the most important rights of man, but because its decision in behalf of the defendants settled the question favorably to the liberal view of things. The decision was final, so far as Massachusetts is concerned. Mr. Rantoul won much applause from the singularly able manner in which he fought the battle in behalf of sound principles, and from his obtaining a victory in the face of influences almost overpowering in their character.'* In this account of the case, it is remarked in a note, (p. 361,) that 'the reasons advanced by Mr. Rantoul in defence of the boot-makers, and the recognition of the soundness of which, led not only to their acquittal, but also to the settlement of a great principle favorably to the cause of humanity and common sense, were substantially the same as those which led to the reversal of the condemnation of Mr. O'Connell by the British House of Lords, in 1844. Lord Denman, then Chief Justice of the Queen's Bench, Lord Cottenham, who, besides other high stations, has been Lord Chancellor, and Lord Campbell, now Chief Justice of the Queen's Bench, all voted for the reversal of the condemnation of the Irish prisoners; and the gist of what was said by them all is, in no essential respect, different from the arguments of Mr. Rantoul in the Massachusetts courts — the highest of which courts sustained his positions, reversing the decision of the courts below, just as the House of Lords reversed that of the prejudiced and partial Irish court, that condemned Mr. O'Connell in the face of law and justice. Lord Lyndhurst, Chancellor under the Peel ministry, and Lord Brougham, voted against the three Lords before named, but being outnumbered, the government was, as it deserved to be, defeated."†

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* Metcalf's Reports, Vol. IV. 119.

† Metcalf's Reports, Vol. IV. 136.

In 1842, the Rhode Island trials, as they were called, excited the interest of the friends of republican liberty throughout the Union. Mr. Rantoul was employed as leading counsel in the defence of one or more persons indicted for attempts of a revolutionary character, or which were deemed such by the authorities of that State, to render its government more just to all its citizens, by extending and equalizing the right of suffrage.

Of the demand which was made by the people of that State for the just extension of the right of suffrage, there could not, it should seem, well be among men imbued with the spirit of American institutions, much diversity of opinion. It is as certain that the suffrage party were right, in their aim, as that equality and justice belong to all men. On this point, the testimony of one of the most distinguished sons of that State who resided there a part of almost every year of his life, Rev. Dr. William Ellery Channing, should be received with great respect. He says, "I have never doubted that the great mass of the suffrage party started with a truly honest purpose, and with a thorough conviction of right." "They had just cause of complaint against the charter. The disfranchisement of so great a number, who, according to our republican creed, had a right to vote, and the enormous and unjust inequalities of representation in the northern and southern parts of the state, were serious grievances." "The existence of these wrongs in the established system has always made me look with great tenderness on the rash steps of the revolutionists." "I know," he adds, "the state does not need severity for its own safety; and I hope it will not fall into cruelty from revenge." *

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* See Democratic Review, October, 1850, p. 360.

† Democratic Review, October, 1850.

The authorities of Rhode Island knew as well as Dr. Channing, that the "state did not need severity for its own safety;" but what was their course? Men, whose crime was adopting the only method which they believed effective, and, therefore, right, of rendering its government equal and just to all its citizens, were arrested, imprisoned, and tried, not in parts of the state where the acts charged as criminal were committed, but in direct violation of the right of trial by jury of the vicinage. Partizan judges and packed juries, resembling those of the worst periods of English history, were selected as the fitting instruments of oppression. To unloose this unjust grasp of power, and to save some of the best citizens of Rhode Island from these anti-American and tyrannical modes of proceeding, Mr. Rantoul was employed as leading counsel; and he brought to bear, on the merits of the question, a force of reason, and an extent of learning, which startled and electrified the court, and a convincing eloquence, which drew involuntary outbursts of applause from a numerous and enlightened assembly. The commonplace arguments, the dull detail of dry technicalities, so favorable to the rigid, and often sleepy, decorum of a court room, were all swept away by the resistless force of his torrent-like oratory. Even Webster, the opposing counsel, clapped his

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* Channing's Memoirs.

hands with applause. The rights of the person, and the rights of the state, their relation to each other, and their just limitations, were never perhaps more ably reviewed, or justly defined in a forensic address; and the great right of trial by jury of the vicinage vindicated by the most learned and masterly command of the history of this institution from its earliest source.

The Providence Express, published the next day after the trial, (October 11, 1842,) gives the following account of Mr. Rantoul's argument: —

> The able and conclusive argument of this distinguished gentleman occupied two hours and a half in the delivery. It was, throughout, the most learned address to which we have ever listened. Indeed, we did not expect to see such exuberance of elegant learning thrown around this technical question of the law. It is not, however, in the *subject*, but in the *man*, that we are to look for the character of every intellectual effort. In the hands of some men this subject would have been dull and without interest. Mr. Rantoul made it far otherwise to the crowded audience who listened to him. At his touch, the dry bones of Old Feudalism were clothed with flesh, and the relics of the buried past were brought forth in copious numbers, to illustrate the strong points of his case. History, in all its departments — feudal and Saxon laws — French and German feudal institutions, all passed on, marshalled to sustain the oppositions which the orator successively assumed, in the progress of his argument. It was a rare and rich display of the hoarded treasures of the mind. We can give but a synopsis of it.
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> Mr. Rantoul argued very briefly the question whether this was the proper stage of the proceedings in which to interpose the plea now under discussion, and then passed rapidly on to the great question on the merits of the plea, the question, *Can a man be tried in one county, for an act charged in the indictment in another county?* He argued that he could not be; that the legislature of Rhode Island could not constitutionally authorize this to be done; and that, if they could do so, the fourth section of the Algerine Act, under which the right is claimed, does not give any such authority.
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> Rhode Island could not do it, because the right to a trial by the jury of the county where the act is done, was one of those fundamental rights of Englishmen, which the colonists brought with them to America, and had never surrendered, or lost.
>
> He showed this by examining the *object* of the institution of jury trials, the sources, and the original form of this institution, the meaning

of the terms in Magna Carta, by which trial by his peers is secured to every freeman, the course of the common law in England, since the Great Charter, the statutes in England, in derogation from this common law of England on this point, at the breaking out of the American Revolution.

He then considered the discussions which occurred in Parliament, and in the several colonies upon this right, in 1769, and from that time to 1776, and showed that everywhere they claimed trial by jury as their birthright, and that it was always by jury of the vicinage, or neighborhood.

He then showed that the constitution and laws of the United States contained nothing repugnant to these views, but much to corroborate them. Then turning to Rhode Island, he showed that a departure from these principles would be a violation of her character, usages, and rights.

From the question of constitutionality, he then passed to the construction of the Algerine question. It was a penal statute, and must, of course, not be extended beyond its natural meaning. It does not provide for the trial of this case in Newport county. It provides for keeping prisoners in *custody* in a foreign county, for *indictment* there, for a removal on *good cause shown*, and that is all. You have a meaning to every sentence, and every word in the act, by this construction. Its meaning is exhausted, and you cannot add any thing more, by conjecturing what the legislature thought, when they have not said it.

Mr. Rantoul set forth the substantial benefits of this right, the growth of which he had traced from the times of Alfred and Charlemagne, and conjured the court not to throw away a guarantee which had ripened under the varied experience of a thousand years, for a forced and unnatural construction of a statute, which was itself, at least, of very doubtful constitutionality.

This hasty sketch of an argument which so rapid a speaker as Mr. Rantoul was two hours and a half in delivering, can give but an imperfect idea of the varied learning which elucidated with historical details the legal authorities which he made the basis of his reasoning. *

In 1843, Mr. Rantoul was appointed collector of the port of Boston and Charlestown, in the place of Ex-Governor Levi Lincoln, removed. The friends of the latter gentleman had sufficient influence with the United States Senate to prevent

Mr. Rantoul's confirmation. He held that office but a year, discharging its duties with unquestionable uprightness and characteristic ability; and the same Senate, in 1844, under another administration, confirmed his appointment to the office of United States Attorney for the District of Massachusetts, which required a higher order of talent, and a more thorough knowledge of law; an office, too, which had been held by several men who were greatly distinguished for their learning and eloquence; among whom were H. G. Otis, the late Judge Davis, George Blake, and Franklin Dexter. Their celebrity as lawyers had given *eclat* to an office, which, from its nature, was sufficiently responsible. Mr. Rantoul, however, was equal to the duties to which he was called. It is no more than just to say, that the most able of his predecessors did not, in that office, surpass him in the display of legal erudition, or of brilliant and effective eloquence.

As United States District Attorney, Mr. Rantoul established and vindicated by laborious investigation and invincible reasoning, several of the most important principles of constitutional law. Such principles were involved, for example, in the New Bedford Bridge Case; one of great magnitude in its results, and which required the full force of the ablest talent in its management. It belonged to a class of cases that present questions arising from a supposed or apparent conflict of jurisdiction between the State sovereignties and the constitutional powers of the General Government.

To draw clearly the lines that mark the respective boundaries in mixed sovereignties, such as are created by the American national and State governments, is a service which requires not only a most thorough knowledge of jurisprudence, but of the history of the country, and the formation of its civil institutions. No cases can arise before the legal tribunals of any other country, that call for more varied research and exact knowledge, than many of those that have been decided in the federal courts. Of this class, no one more interesting or important was ever presented than the New Bedford Bridge Case. It involved the construction of that clause of the Constitution which grants to the General Government all admiralty and maritime jurisdiction. The extent of this grant had never been settled, and its just definition was to be sought in a thorough examination of the admiralty laws of England, of other European nations, ancient as well as modern, and of the colonies themselves; in the diplomatic relations of the United States, and in whatever historical details could assist the interpretation of statutes or clauses of the Constitution, and elucidate the inherent rights of sovereignty. All were indefatigably explored and eloquently applied, to determine and establish the just limits of the maritime jurisdiction of the United States, when in conflict with the legislation of a State.

The government counsel went into a thorough examination of maritime laws, commencing with those of Athens and Rhodes, and coming down to the present day. He cited upwards of four hundred authorities, in various languages; and it is but just to say, that never was a cause tried in that court, where authority had been more thoroughly examined and collated, where more varied fields of learning had been explored, or where the power of the constitutional lawyer was more fully tasked, to do justice to the question presented. Mr. Rantoul was equal to the occasion; his thorough and profound investigations, his searching and convincing logic, the comprehensive grasp of his mind, and the massive force of his deductions, won the admiration of the bar and the court, and established his reputation as an able constitutional lawyer.

It gave the profession and the public the assurance that the acquirements of Mr. Rantoul in the regions of the civil law, were as extensive and valuable as his well-known erudition in the common law. The positions taken by him in his argument in this case, sustained as they were by the most clear and forcible reasoning, and a vast accumulation of authority, have had a just and commanding influence in the decision of other cases.

The decision of this cause was important, as the commencement of the series of great cases on the same subject, through which the Supreme Court of the United States have at last announced conclusions closely corresponding with those of Mr. Rantoul in his able argument.

"Another branch of law of great intricacy first came within the practice of Mr. Rantoul about this time, — that of the trial of infringements on patent rights. This presents two difficulties to the ordinary lawyer, — the highly metaphysical character of the law, in its application to given facts, requiring close study and great power of abstract thought, — and then the difficulty of comprehending the subject-matter of the cause with any facility, owing to the immense amount of mechanical details, and the complicated masses of machinery on which counsel are expected to reason as fluently as on printed briefs. The wonderful powers of Mr. Rantoul's mind in mathematics and geometry, which when he was in college had excited admiration and surprise, now came practically in play, and he astonished by the rapidity of his comprehension, the ease with which he analyzed intricate machines, and the freedom and accuracy with which he applied the principles of the patent code. So extraordinary were his powers in these particulars, as to fit him for peculiar eminence in that great study of the extent and right of property in ideas, which a high stage of civilization renders interesting and useful to the community."

The case of the Spitfire, a slaver, was another in which Mr. Rantoul's singular power as an advocate obtained over able and learned counsel an honorable triumph in the conviction of her master and the condemnation of the vessel. He was peculiarly able in analyzing facts, placing them in their just relation to each other, and making them thus, by their own nature, speak the language of truth, and carry conviction to the understanding. In this case, the opposing counsel, a gentleman of great distinction as a lawyer, having made his argument in the defence, sat down with the persuasion that nothing could essentially weaken its force, when Mr. Rantoul, for the government, taking the same facts upon which the defence relied, placed them in such a natural, and, when seen, evident and convincing relation to one another, as to give to his argument the irresistible force of complete demonstration. The honorable gentleman who was counsel for the defence has since often remarked that Mr. Rantoul's argument for the government was one of the most unlooked for and admirable in lucid, logical force, that was ever heard at the bar of that court.

It is just, also, to refer in similar terms of commendation to his conduct of the prosecution in several cases of smuggling.

In one of these, called the Jacob's Case, his rare ability as a lawyer was so signally illustrated as to command the encomium of men high in his profession, who were witnesses of his success.

But a case which deservedly excited a deeper and graver interest in the community, was one called the Crafts Case. This was an indictment against one Crafts, an owner of the ship Franklin, for conspiring with the master, and procuring the casting away of the ship to defraud the underwriters.

This ship, on her passage from London to Boston, was cast away on Cape Cod, and, together with several lives, was lost. The government charged that the casting away was intended by the master, at the instigation of Crafts, the owner of the vessel, that he might receive the amount insured on her, which, as alleged, was several thousand dollars more than she was worth.

This case was, by Mr. Rantoul, deemed to be one, in every point of view, of very great importance. The crime charged was of vast and solemn magnitude, affecting the welfare and interests of the commerce of the United States, soon to be, if not already, the greatest maritime power of the world. That such a crime should receive its deserved punishment, Mr. Rantoul held to be of national consequence. "It was the necessity," he said, "that some general law should throw its protecting ægis over those who had left behind them all local jurisdiction, and the sense of the obvious common interest of all merchants and mariners, that caused the early and universal adoption of the law of the sea; a law whose venerable authority commanded the respect of the Roman emperors in the height of their unbounded power — of which Antoninus said: 'I am indeed the lord of the earth, but the law is lord of the sea.' And when afterwards feudal anarchy had separated the law of the land into a thousand discordant systems, the law of the sea still was, and continues to be, *one law;* and it is only upon the sea that sovereign law, the world's collected will, sits arbiter. You are trying this great maritime fraud, gentlemen, in the court which is the minister and interpreter of this universal law — a court which tried maritime offences by a jury of twelve good and lawful men, in the kingdom of Jerusalem, before the institution of a jury had acquired its present form in the courts of common law of England, — a law which took cognizance of barratry and fraudulent wrecks, and conspiracies to procure them, not only before its prohibitions were adopted into our statutes, but before Columbus had discovered the ocean path to our hemisphere."

Nothing less than a full and thorough report of this important trial can do justice to the masterly and unsurpassed ability of Mr. Rantoul's conduct of the case on the part of the government. Nor would that be sufficient to give a just idea of his merits in the wonderful command of his intellect and knowledge, unless it were also recorded, that through the whole of these arduous labors, he was suffering scarcely less than the torments of the rack from anxiety occasioned by unforeseen and overwhelming pecuniary embarrassments. His thoughts were, every moment when he was not in the court room, harassed by this constant and corroding solicitude. None but a few personal friends knew and could appreciate the sublimity of that self-command which he had occasion to exert through the whole of this trial. Precluded by the painful circumstances in which he was placed, from pre-consideration of many of the great points upon which he was called to speak, he caught inspiration in a moment from the presence of the court, the jury, the witnesses, and the opposing counsel, and arranged with the rapidity of lightning in close, solid, compact columns, the resources of his knowledge and his logic, and directed them to the point of attack, or defence, which the constantly shifting aspect of the trial presented to his glance. The great principles of law relative to the case were as clear to him as intuitions, and how well he applied them, those who were present at the trial can never forget.

A correspondent of the Journal of Commerce, writing from Boston, June 1st, 1849, says of Mr. Rantoul: —

> His speech thus far has occupied two days. To speak of it as a *reply* to the defence of Mr. Choate, except so far as the most ingenious theories of that defence came in collision with the assumptions of government, would be to characterize it as a successful effort to effect an end for which it evidently was not designed. The prosecution has had

a theory of its own, and has not been led from its pursuit by the dazzling brilliancy of false lights of other parties; while, to a careful observer, it was palpable that the plan of the defence was constantly changing, as the evidence developed itself. The government, facing an opponent with a constantly shifting front, has bent its steady gaze apparently from but one single point of view. Whatever came in conflict with that view, was swept away with a ponderous arm, often at a single blow.

Mr. Rantoul said, in commencing, that he viewed the prosecution for this most unusual crime, as a test of the power of commerce to vindicate itself, — to throw its protecting ægis over all that go down to the sea in ships, over the million souls, passengers and seamen, that were annually committed to its care, and the immense amount of property, as of life, that depended on its sanctity. The commerce of New York was equal to that of all Europe in the middle ages. The commerce of Boston alone was greater than that of England and Wales, in the reign of queen Anne. The American flag protects and vindicates the safety of one entire third of the shipping of the whole world. It was developing and expanding itself with a power double that of England, and without a parallel in the history of nations. Britannia could not much longer be mistress of the seas;

> Non illi imperium pelagi sævum que tridentem;
> Sed mihi sorte datum.

It was the sanctity of an interest so vast as this, that asked a vindication at the hands of sworn and just jurors.

Mr. Rantoul endeavored to establish three points. 1st. Was the Franklin intentionally wrecked? 2d. Do the letters of John M. Crafts, of Smith the captain, and Wilson, establish the connection of Crafts in a conspiracy to effect that object? 3d. Is the testimony of Wilson corroborated by the proved facts in the case, and the conduct of parties?

To the first of these propositions, the learned counsel devoted his first day's argument. It is not too much to say, of this part, it was perfect demonstration. He argued it as a nautical man upon the testimony of nautical men; upon the ship's *log*, and the known facts of the result. So powerfully were the incidents of the voyage analyzed, that several times demonstrations of applause ran round the court room, even against the declaration of Judge Sprague, made the day before, when the magnificent declamation of Mr. Choate "brought down the cambric," rather vehemently, that he would arrest and imprison any person found repeating it.

The Franklin, he said, was a thorough built ship, at the cost of $27,000, and about seventeen years old. It was manned with a full and excellent crew, commanded by an experienced navigator of the north of Europe, who had sailed from that port twenty-two years as master, and for how much longer, it was unknown. The ship was wrecked in fair weather, upon a calm sea, in broad daylight, upon a coast as familiar to the master as his birthplace. The incidents throughout the voyage, proved that not one act, calculated to effect her destruction, was omitted; not an act performed calculated to save her, until it was too late to do it. Captain Smith had written to Wilson, in a letter before the jury, and among the last of his letters: "*if it is possible to do what we talked of in Savannah, I will do it.*"

He had purchased for the Franklin, which was a ship of three hundred tons, a boat suitable for a ship of eight hundred tons. He declared to Captain McLane, who sought passage home, that he did not want to be 'bothered' with passengers, saying, "the fewer passengers I take on board this ship the better." An incident occurred in London (details not given in evidence) which caused one of the persons on board to closely watch Captain Smith. When he had arrived upon the American coast, he ran off his course as far south as the thirty-ninth parallel, and his constant orders even then were, "west by north, and nothing to the north of it," a course which would not have taken him into Boston bay at best; but if it had not wrecked him on Cape Cod, would have carried him as far south as Marshfield, a better haven, Mr. Rantoul said, for a politician, than for the Franklin. He stood upon soundings thirty-six hours, but did not heave a lead, and when compelled by Captain McLane and the passengers, who had declared for hours they heard *breakers* ahead, he hove the lead *himself*, and instead of calling the water as usual, he cried "*plenty of water, keep her on her course.*" When forced by his seamen, who twice called him from below, to cast anchor, he paid out but seventeen or eighteen fathom cable, when it should have been fifty, and in two hours after, the ship had shoaled her water twenty-one feet.

He allowed the ship, against the repeated protestations of every soul on board, to drag with short cable, till she stranded upon the bar, and when there, without an effort, till aid was impossible, *he held her there.* The whole of these details were examined, with others not here stated, and collated with invincible reasoning, to prove the design of wrecking, and the questions put to the jury to explain them, except upon the theory of an intentional wreck, fell with crushing weight upon the prisoner. The letters proved Crafts' connection with this conspiracy. No plea of forgery could account for them. The learned counsel said that never a forgery of such extent — some dozen of letters being in this case — had ever been successful against examination. The forgery of deed in ancient Rome, the forgeries of the monasteries of the middle ages, no modern case disproved this position; and the jury would find here, that forgery of these letters was an impossible theory.

An examination of the letters would satisfy the jury that they could be written, if by Crafts or another, for no other purpose than to procure a fraudulent wreck. These points, demonstrated by invincible reason, and irrefragible proof, led to the question considered at first: Did Captain Smith wreck the ship? Did he do "as he had promised Wilson he would do, accomplish what *they* had talked about at Savannah?"

The Boston Daily Times continues the report of Mr. Rantoul's address as follows: —

Friday, June 1, 1849.

Mr. Rantoul recommenced his address by a brief recapitulation of yesterday's arguments. The nature of circumstantial evidence was explained as it tended to bear on the conclusions arrived at yesterday. One of the most obvious reasons to conclude that the ship was wilfully cast away, was the one derived from the fact that Captain Smith knew, from the depth of water, that the ship was in danger, and did not strive to avoid it.

It was clear that the ship was deliberately cast away; and the question came to be resolved — what influence could operate on Captain Smith to induce him to destroy the ship? That he had been solicited to cast away the ship, and agreed to it, was clear. The letters were extant to prove that to be the case. He was to have wrecked the Franklin on the voyage to Havre, and he kept the letters in his possession in order to coerce his owner into a fulfilment of the arrangement entered into when the destruction of the ship was planned. An attempt to explain the meaning of these letters, which were providentially found in the captain's valise, had been made, but it was a very lame one, and one by no means founded on any thing like probability. There was no doubt that these letters were to be interpreted to prove a conspiracy; Crafts taking this cunning and cowardly manner of expressing what he dared not otherwise plainly speak, — but what was plainly understood by the party to whom they were addressed.

Were these letters the genuine productions of the parties they purport to be written by? If the signatures had been put to notes of hand, they would be genuine enough; but as their identification involved a great crime, more than common proof was required. There had been a great anxiety on the part of the defendant to repudiate his signatures all along, and to throw those that were genuine out of the evidence. There was no doubt that the letters found in the valise were genuine, and Crafts' defence in regard to their ungenuineness was all a lie, and he well knew it to be so. If these letters were forgeries, how did it come that there was such an unwillingness to allow them to come before the jury? There was a circumstance of proof in this suspicious conduct, which was most unfavorable to the presumption that these letters were forged. If these letters were forgeries, how could it come that so many of them were genuine? There were several of them admitted to be genuine, and the remainder proved one of the most extensive forgeries, if it proved any thing of forgery at all, that had ever happened in any age.

The letters were taken separately and commented upon. The spelling of letters put in in evidence, as being genuine manuscripts of Crafts', in every peculiarity, was found to correspond with that of the letters found in the valise. In particular, the word "please" was spelled alike in all the documents, genuine and not genuine, (as counsel for defence had objected to or admitted as evidence,) and in every instance without a final e. Other peculiarities were also pointed out which corresponded in all the letters before the court. It was to be inferred, most clearly, from these, that the letters were in the hand-writing of J. W. Crafts; and the fact of these peculiarities having an existence, was as sure proof that he wrote them as if ten men had sworn to have seen him write them.

There was no doubt either that the practice of such crimes as had shown themselves in the destruction of the Franklin, were very common, although there was a difficulty in finding evidence sufficiently strong to found an action on them. Human depravity was every day at work in some shape; and if the insurance offices did not check such proceedings, when they found good grounds to act on, they neglected their own interest, and left the public also to suffer, because of the crimes involving their safety and interest.

One particular feature in the case of the letters furnished an indisputable proof that they could not be forgeries; that was the similarity in size of paper between the letters assumed to be written by Crafts, and those in court owned to be written by him. Another was, that the paper had the same color and consistency; and it was obvious that it was all the same manufacture — the pretendedly false, and the admittedly genuine, documents. These showed a clear proof of the fact that Crafts had written, or had been cognizant of the writing of the letters.

There was no doubt of Crafts having sent Wilson to Savannah to arrange the wreck of the ship, and that Smith agreed to do it. The letter which was in court, and was written by Captain Smith from Savannah, saying that he "would do it if possible," was unquestionable evidence that he had entered upon this agreement. There was no other legitimate explanation of this phrase, but that it implied a disposition to agree to wreck the ship.

There could be no reasonable motive on the part of Wilson to make any arrangement independently of Crafts. If there had been any such thing on his part, why did not Crafts, when he came to know of it, as he did, and as the captain's letters show he did, go and expose him? The crime was clearly divided among the two, Crafts and Wilson, and there was no forgery whatever in the case. The letters were undoubtedly and uncontrovertibly genuine. Every thing showed it, even to the studied ambiguity of the documents. Crafts was one of those cunning reptiles, who, getting their heads hidden, think themselves all safe; but it had turned out otherwise. The "my dear captain's," the "wish I could see you to night's," and the "your friend for life" epistles, were all written by Crafts. This was his amatory correspondence all along, and not Wilson's in any particular. Wilson's letters had more of a *turpentine flavor* — and none of that maudlin nonsense of having a good time when the party addressed and he should meet.

After Smith returned from Havre, and after he had purchased the boat by Crafts' injunction, there must have been some conversation about the casting away of the ship. This ought to be carried into their deliberations by the jury, as a decided fact ratified by the strongest circumstantial probability; and there was not a vestige of a doubt that Captain Smith left on his next voyage with a clear understanding that he was to wreck the ship, and a determination to perform the task set him.

[A recess of a quarter of an hour was here allowed counsel and jury.]

Mr. Rantoul afterwards resumed his argument by affirming that the letters were each and all written by the parties who signed them. It was no matter who copied some of them — whether William Clawson did so or no — it was not in evidence that Wilson wrote and that Clawson copied them. It was more likely that Crafts got them copied. There does not seem to be any disposition on the part of Wilson to act in this way. He goes to the work in an unhidden manner, openly and boldly; and Crafts does not. It is furthermore improbable that Clawson wrote the letters for Wilson; but he might do so for Crafts, as Clawson had asked him for employment, and said in his letter of application that he did not know whether Wilson would give him a character or no; thus implying that there might be some feeling between Clawson and Wilson which originated this doubt.

Why did not the defence bring up Clawson to testify regarding the letters? Upon the evidence before the jury the government were bound to presume that Clawson did not write the letters. It was said that he could not be brought here, as the court would not extend any protection to him against a presentment of his complicity to the grand jury. The defence never made such a request to the court. The government were ever anxious to do justice to parties at the bar; and if any such request had been made, that an effort was necessary to bring Clawson from St. John's, the government would have given every facility in its power. It was notorious, however, that Clawson had been applied to to come, and he had refused. There was no use in his coming; for he never copied one single letter of those before the jury. It was the conviction of the government that the party who wrote the letters had tried to imitate Clawson's hand-writing. [A comparison of the letters with one written by Clawson was instituted to prove the point.]

Besides the certainty that the letters were not written by Clawson, there was the phraseology of the letters to prove that they were written by Crafts. They were all full of hopes and wishes that he would have a good time with somebody, or that somebody else would have a good time with somebody else. This general feature in Crafts' composition was a proof that the letters were his.

Another thing was very apparent; Wilson had no power or funds to build or buy a ship for Captain Smith. It could not then be him who was to furnish the ship promised to Captain Smith. It was J. W. Crafts that was to provide that ship, and he authorized Wilson to promise one to Smith; and Wilson did no more than promise it — he did not say more — nor that *he* would furnish the ship. His Bremen letter said that Crafts would get Smith a new ship, or give him the bark on the stocks, that was to be launched in September. The letter was dated June 15, 1847. The first intimation of the furnishing of the vessel comes from Crafts; he was preparing a ship, not Wilson, who had it not in his power to do so in his bankrupt state. The prospect of a new ship was offered first by Crafts, and Captain Smith so understood the affair.

With respect to the profit that would arise from the insurance on the ship, it was clear that it was to go into the pocket of Crafts, with the exception of what might be agreed on between Crafts and Wilson to be given to the latter for his negotiation of the affair of the destruction of the Franklin.

There was no doubt that it was the intention of the parties who conspired to sink the Franklin, to utterly destroy the ship, so that no salvage should possibly be derived from her. In this view the captain was requested to "roll a barrel of turpentine into her cabin and fire her," that not a vestige should remain of her, to afford the underwriters any hope of modifying the amount of their responsibility.

The remainder of the day was taken up with the letters written more immediately previous to the ship's sailing on her last voyage.

Saturday, June 2, 1849.

The court met this morning at half-past nine, and Mr. Rantoul resumed his argument on the part of the prosecution.

Reference was again made to the letters found in the valise floating near the wreck on the day the Franklin was lost. In one of these letters Crafts says, "I wonder how it will come out at last. I cannot sleep day or night, owing to the ship, and its luck. I sometimes have hope, and then again I almost despair." That hope was to get the amount of insurance, not that the cargo of turpentine should not sell well; and that despair was that something would occur to prevent the realization of his scheme. This strain of importunity was not necessary in relation to a mere question of a sale of cargo or freight. Crafts, besides, did not expect to draw any thing from the turpentine cargo to pay off his debt to Raymond; therefore his importunity must have had reference to some other transaction.

Crafts does not speak out plain in his letters. He says that he hopes Captain Smith has a wish for his interest, and the "final welfare" of the ship. This final welfare was just another way of saying, final destruction; and Captain Smith well knew what it meant. Mr. Rantoul never knew any single case wherein a more absurd explanation of the meaning of these phrases was set up than in this. If there was nothing in them that the defence was ashamed of, why did it not say something in explanation of their meaning? The reason to be given was, the inability of defendant to make any other interpretation than what had been assumed by counsel, — and that was, that they referred to the destruction of the ship. If any plausible explanation could have been given otherwise, the defence would not have upheld the very erroneous argument that these letters were forged.

The pleading tone in which Crafts writes to Captain Smith at Charleston, is a proof that there was something in view more than mere common business. Here Smith was sailing a ship with a cargo belonging to somebody else than the owner of the ship — the ship was fully insured — and what could induce the owner, then, to write in such a pleading, amatory strain? It could not rest on the explanation of defendant, that he was desirous of Smith's getting away from Charleston as speedily as possible. There was no influence at work to compel him to be thus anxious for Captain Smith's sailing in order to obviate difficulties that might arise from the insurance offices. Crafts is always anxious for an interview with Captain Smith. For what? To see about the freight, or the repair on the ship, or what? Why could not Smith have been instructed by letter what to do? If it had not been in contemplation to destroy the ship, what necessity was there for such ambiguity? What was the reason for the use of such terms as could only be interpreted by inference? If the ship had not been understood and determined on to be destroyed, there was no requirement that these dark expressions should be used, although their interpretation could be clearly made out by attaching to them the fact that an agreement to destroy the Franklin had existed. That such was the case, there could be no manner of doubt.

As to the plea of the defence, that Crafts' circumstances did not tolerate the belief that he could have any inducement to conspire against the safety of the ship, it was answered, that, by the tenor of the letters read, Crafts was in want of money, and was at that time paying sixty per cent. for cash on loan, or more, and for renewals on bonds. This, certainly, was something odd, then, if Crafts' circumstances were so good as his counsel had represented. At this time Crafts says, in one of his letters to Smith at Charleston, "Wilson is coming on to you, and I hope you both will have a good time, and happier will I be when we three meet in Boston; I hope we will have a first-rate time;" and in another he says, "I hope I will, long before then, (November,) be out of Raymond's hands entirely, if all succeeds as we wish. I have the fullest confidence that you will do the wright (right) thing." Had this expression referred to the freight money, how was it possible that he could have any idea of being out of Raymond's debt through its means? It would not serve that purpose by a long way. The wrecking of the ship must then have been the object of the hopes and wishes of Crafts; in fact, it was the decided consideration on which these anxieties were based. Another letter hopes that Captain Smith will not get sick, or all would be over. What could this mean? Not the settlement with the underwriters, as explained by Mr. Choate. His explanation was very beautiful and very ingenious, but there was nothing in it but the strength of the honorable gentleman's eloquence. There was no explanation to be given of the expression used by Crafts, that did not relate to the wreck of the ship, and which involved that contingency by inference very clearly. Every letter fastened on Crafts the damning fact that he importuned Captain Smith to cast away the ship.

There was also a letter written by Wilson, according to his evidence, and left with Crafts to copy, (but whose hand-writing it was could not be proved,) which instructed the captain of the Franklin to sink the ship when the crew were drunk. It was signed J. W. W. This letter settled the notion of Wilson's having offered an outrage on Mrs. Smith. It could not have been so, otherwise the defence would have elicited what kind of outrage it had been. But they could not draw out any thing that would support the conclusion arrived at by counsel from this suppositition circumstance. If the indignant letter from Captain Smith to his wife had contained such sentiments towards Wilson as had been stated by counsel, why was it destroyed? There could not have been any very great aggravation offered Mrs. Smith by Wilson; for she saw him on the 26th of February, after the indignity was presumed to have been committed. [This statement was objected to, and after a debate as to its accuracy the matter was left to the memories of the jury to settle.] r. Rantoul said that the question was put to her specially to realize the fact that Wilson was in her house once again after the outrage was supposed to have been committed by him, and in company with Crafts.

[Mr. Choate wished to leave the fact to the statement of Mrs. Smith on Monday morning; but the court thought it might be safely left to the jury.]

The judge's amanuensis furnished his notes, which stated that the last visit made by Wilson was in the latter end of 1848 — not in February, 1849, as had been argued by the prosecution.

The testimony of one witness has been so much commented on, that something was necessary to be said about it. It had been said, that if the government had been able to make a case without Wilson, they would not have used him. It was certainly not the original wish of the government that Wilson should be placed on the witness-stand. Not admitting that the government could not have made out a case without his assistance, it was undeniable that he had furnished evidence that could not be controverted. Wilson proved the authenticity of the letters which Crafts had denied. Unless by comparison, this could not have been proved. It could not be done by comparison, as no rule of comparison whatever existed which could be made available. A man that demonstrated an inclination to deny the signature to a libel sworn in this court, would have had no scruple in denying all the letters and signatures put into court. That comparative proof Wilson furnishes; and the letters he produces form the standard of proof, and are backed up in their integrity by the evidence of Wilson.

There could not have been any testimony furnished about the journey to Savannah, or that Crafts sent Wilson there, independent of the aid of the latter; neither could the government have proved that Crafts went to an insurance office and got a policy of insurance of $5000 on Wilson's life; and that Wilson should get a permit to go abroad granted him by the office. Little of any thing would have been known; and the absence of all power to prove the most important points, existed on the part of the government until they could take advantage of Wilson's evidence. The discretion belonging to any officer of the government dictated the necessity of putting Wilson on the stand. One who furnished the key to unlock the whole chest of secrets was necessary. If the government had done wrong, who was to blame it? Not Crafts, surely; for the act of the government enabled him to cross-examine the conspirator, to prove the evidence bad. Had Crafts not been able to do this, it was no fault of the government. Wilson had sworn to a long train of circumstances which could not be shown as perjuries; if they could, why had it not been done? The ablest counsel in the Union had cross-examined Wilson, and could not get perjury out of him — for it was not in him. Wilson was not a saint, a model of perfection; he does not set himself up as such in his own defence; and counsel would not give him a greater degree of credit than he had assumed to himself. He thought that his course was the only atonement he could make for his crime; but, whatever were his motives, he had done right. He and Crafts were concerned to commit a crime. His obligation to the community was beyond any other that might exist between him and any other party.

Wilson's testimony was not at all to be thrown out of the case; but if the jury thought of so doing, they were to recollect that other testimony besides Wilson's existed to convict Crafts. What credit was to be given to Wilson's testimony was to be gleaned from the manner of the witness in the first place. It had been argued that Wilson had a too vivid memory regarding some of the minor details of his evidence. The trivial character of many of the inquiries made of Wilson, was the reason why he said "I don't know" so often in answer. If Wilson had come here to swear falsely, and answer promptly in his disregard for truth, he would not have scrupled to make ready answers to those frivolous queries he said he could not answer. He would have taken the opposite course.

Wilson could have no reason for perjuring himself, and a strong charge of perjury had been brought against him. It had been thrown against him that he had given an ambiguous answer to the question why he had come to the office of the District Attorney; that answer was, he had "come in a cab." This had arisen from the witness's having been badgered by counsel. The answer was nothing more than a retort intended to be witty, and could not be considered in any light a perjury. Wilson stood his cross-examination as well as any man; but there was little wonder he was so puzzled and confused; and no one would have been surprised at his breaking down more than he had done. He showed no marks of embarrassment that were not to be expected under the circumstances attending the ordeal he was obliged to submit to. In giving all the conversations that took place between Wilson and Crafts, in making the agreement to sink the ship, he did not give the very words accompanying the proposition, and it was argued that he should have remembered them, as they ought to have branded themselves on his forehead, and remained unobliterated through life. It was notorious that no one ever broached a crime for the first time in direct terms, unless in the perpetual habit of committing crime. It might be upheld that neither in the cases of first designing, or matured villany, did such open speaking commence a plot. Shakspeare, in painting King John as the greatest of villains, represents him and Hubert as speaking their plots darkly. It was therefore to be considered (for the general belief ratified the reasonableness of the representation) that significance might be imparted to the agreement between Crafts and Wilson by other media than express words. Counsel for defence say that Wilson's story is like a web of truth with a thread of falsehood running through it. This admission gives no tolerance to the request that the jury should throw the evidence of Wilson overboard.

[A recess of a quarter of an hour was here allowed.]

Mr. Rantoul then spoke of the attempt to set up an *alibi* by the defence. The whole details of the evidence given by Crafts' workmen, his brother, and that of the parties at the Bunker Hill House, in particular, was commented on at length; and a conclusion drawn that there was no existing reason to believe that Wilson had asserted what was false; but that he had good and sufficient justification in testifying as he did to the meeting between him and Crafts on the 13th March, and what occurred at that time. There was a probability about the story of Wilson that Crafts' had not. The one was plausible, and the other impossible.

On the 10th of February, Crafts and Dame were the sole owners of the Franklin. Dame sold out his share for $1,000; the amount of liabilities on account of the ship was $11,388, and every thing included, the responsibility on Crafts amounted to $13,000. Dame sold out his $2,700 claim on the ship for $1,000, and counsel did not think that Dame could have expected to have realized his money out of the ship when she came home, otherwise he would not have done so. That was not his evidence, but that was Dame's act, and that was better than his evidence, for he might have happened to forget something in giving it.

Mr. Rantoul then run over the evidence respecting the purchase and value of the Franklin at the time of Wilson's buying her in 1847, and proved that the whole value of the ship, after being repaired at an expense of $2,500, amounted to something short of $6,000 — taking in the depreciation of character in consequence of her having required such extensive repairs. This was calculated at $1,000 per annum. This $5,300, which she was worth was estimated by the rule which made property in shipping so valuable at the time of the "grain fever" as it was called. There was none of that grain fever in February, 1849, consequently the value of the vessel was less, to correspond. Besides 300,000 tons had been added to the national marine in the previous eighteen months; which came to operate against the value of old ships. Thus, then, Crafts had a ship on his hands that could not be so safely freighted as a newer ship, which would not have sold for $5,000, had she come home in March; and if Crafts meant a fair sale of the ship, how could he hope to cover the debt of $13,000, for which he was responsible on the ship's account. The ship was liable to pay this sum; and it was to guard himself against this contingency, which a fair sale would not obviate, and insure her for a higher amount, and wreck her to realize it — it was to effect this object that the conspiracy was hatched — and for that object alone. It was to sell her to the underwriters for $15,000 or more, that Crafts bought out Dame, and the train of circumstances connected, which led to the destruction of the Franklin. Crafts was the only one who was to realize a dollar through the loss. The state in which Crafts was in at the time, and the enormous sums he was obliged to pay to note shavers on paper he had endorsed, showed that he wanted money in some way. Wilson was only to get such sum as might be agreed on between him and Crafts. Counsel argued the facts, he said, not on Wilson's testimony, but on the general import of the evidence independently of his — but which his evidence tended to confirm.

Then there was the life insurance on Wilson, which was effected by Crafts on 15th February, 1849. Had the document not been confirmed by Mr. Brewster it would have been insisted that the signature was a forgery.

What did Wilson go to Savannah to do? There was no prospect of any freight-money from her was coming to assist in paying off the $13,000; and was it necessary to send out Wilson to get a freight of cotton better or more easily than Brigham and Co.? Did Crafts want an agent and supercargo to assist Captain Smith, an old and able seaman, to go as a supercargo to Europe? No! Then for what did he go? Simply to sell the ship to the underwriters, and nothing else. There was nothing extant that could shake that testimony, even independent of that of Wilson. If Crafts cannot answer that question satisfactorily (and he cannot) then he is to be considered guilty; and that he was guilty, the jury could not for a moment hesitate about.

If Wilson had to go to Europe in accordance with his memorandum of agreement, why did he not? simply because Captain Smith considered that, if he was on board, and the ship was lost, the circumstance of Wilson's having no legitimate business on board would look suspicious. Another thing looked very suspicious. Wilson left Boston for Savannah on the 16th, and Crafts had effected an insurance on the 14th, two days previous to his leaving. Why did not he inform Wilson of it before he went away? He thought as Smith did, "If you're going to make a haul off the insurance offices, make it a good one." The reason why Crafts took this mode of sending a letter to Wilson at Savannah was, that it might be a sort of introduction of the subject of conspiracy to be broached to Captain Smith.

Wilson stated in his evidence, that Crafts said Dame told him that he had a very high opinion of Captain Smith. It might be that Crafts had told Wilson what Dame did or did not say. What understanding Dame and Crafts had on this point lay between themselves; but one thing was certain, it seemed that Crafts had been feeling his way in some shape or another, and that he had done so to his satisfaction as to what Captain Smith could be prevailed on to do was evident. What information Crafts had from Dame on this point lay between Crafts and Dame; it was not in evidence to prove to what extent one or both could be charged.

Counsel would repeat that it was a matter for Crafts and Dame to settle among themselves how their estimate of Smith's character was arrived at; and that a man of Wilson's intelligence was not likely to have such a power of invention as the gratuitous assertion of such evidence would involve, there was a security in the probability that he did not, nor could not, do any thing of the sort.

Mr. Rantoul emphatically denied that any influence had been exerted by the insurance companies to bring up this case. If all the insurance companies in the city had so desired it to be, it would not have been the case had good reason not appeared to the government officer to act. A very fine eulogium followed on the benefits of insurance.

In conclusion, Mr. Rantoul, among various other arguments, held that there were two chains of evidence, each capable of demonstrating, *per se*, the guilt of Crafts. These were no chains laid down to drag by, like Captain Smith's cables, but effectually to produce conviction. It was so self-evident that there was an intention all along to destroy the ship; every thing proved it; every circumstance conspired to assert that proof; every document corroborated its neighbor, and one served another. On the faith of the general truth of Crafts' guilt, proved in so many special shapes, the jury were asked to return such verdict as would support the case for the government.

Mr. Rantoul here concluded, what is acknowledged to be one of the most able, practical arguments that have ever been spoken at any bar. We accord with this opinion; and also in the general conviction that a more brilliant exit from office, never preceded the entering upon private professional pursuits. It has contributed, with Mr. Rantoul's already well earned repute, to place his name on the very top of the list, embracing the more talented among the members of the bar over the Union.

Similar tributes of applause which were published at the time, might be quoted to any extent; but they are not needed to sustain or perpetuate the reputation of Mr. Rantoul, as one of the most learnedly accomplished and effectively eloquent lawyers that our country has produced.

This chapter must not close without referring to an unmistakable indication of Mr. Rantoul's honorable professional standing, even at an early period. In 1835, he was one of a committee for revising the statutes of the Commonwealth, and in 1836–8, of the judiciary committee, in which offices his services were second in value to those of no one of his associates, especially when their labors were reported to the House. To specify the numerous instances in which his active intellect was a guiding and controlling one in that work of revision and reform, would be, at the present time, impracticable. An extract or two from a journal kept by him a part of the time that he served on this commission, will show that he was not an idle or a useless member of it.

" *September* 2, 1835. The General Court met this day. A report drawn up by Bliss and Mann of the Senate, and Rockwell, Rantoul, and Forbes of the House, was submitted, stating the doings of the Committee of Revision, etc.

" *Sept.* 3. I moved for a committee to report what further arrangements are necessary to facilitate the action of the House on the Revised Statutes.

" *Sept.* 4. I reported eight orders for the House, and a joint order containing my plan of proceeding. This report was opposed with great violence by Blake, Chapman, Roberts, Endicutt, etc. Baylies and myself defended it. The debate lasted all the forenoon, and the report was accepted.

" *Sept.* 10. The speaker decided that a part of the report of the Committee of Supervision was out of order. I appealed from this decision on the ground that the speaker could not withdraw any part of a report from the action of the House, by making a question of order; and because the committee, when charged with the examination of a chapter, have a right to report substantial amendments like that in dispute.

"The appeal was sustained on both these grounds by Blake, Baylies, Ashmun, Keyes, Chapman, Kennicutt, and Everett. The House sustained the speaker, 199 to 32. Blake says this is only another instance of their servility. G. Bliss says it is placing the House under the control of the speaker. H. G. Otis says he should not have ventured on such a stretch of power.

"*Sept.* 12. On my motion, the House struck out a distinction in favor of Protestants in two sections of the chapter on parishes, and voted that corporations should not be taxed for parochial purposes. I then moved that no donation to any pious or charitable use shall be valid, unless made at least six months before the death of the donor.

"*Sept.* 14. My mortmain motion was rejected after long and animated discussion.

"*Sept.* 15. On my motion, chapter 25 was amended so as to allow *any part* or the whole of the expense of roads to be imposed on counties.

"*Sept.* 16. I moved to insert a new section in chapter 25, that damages by repairing roads shall be paid by reversing the case of Callender *v.* Marsh, Mass. Rep. Passed after sharp debate, 139 to 62.

"*Sept.* 17. An attempt was made to reconsider the vote by which, on my motion, sec. 70, chap. 36, (Perkins's bank plate monopoly,) was stricken out. The House almost unanimously refused to reconsider. The vote was this day. The attempt to reconsider was 22d."

These few extracts from his private journal are here given as indicating the active and influential part he took, both as a member of the Committee and of the House in suggesting and carrying through important measures of reform in the statutes of the Commonwealth.

It is to be regretted that this journal was continued but for a short time. On commencing it, August 26, 1835, he says:

"I shall make the experiment of a regular journal, at least, long enough to satisfy myself whether the advantage is worth the trouble." The result was, that the experiment was abandoned, as it has been by thousands for the same reason. The truth appears to be, that most of the facts in one's personal experience and observation, which a good memory will not retain, are not worth preserving. The press teems with minutiæ that had better be forgotten than remembered.

There is one subject, however, discussed at some length in Mr. Rantoul's journal of a rainy day, which lay near his heart, and which he took particular pains to bring before the House and the committee for revising the statutes; namely, the codification of the common law. The legislature proceeded so far as to appoint a committee to consider the expediency of attempting this measure, of which Judge Story was chairman. The wisdom, however, or the bigotry of the legal profession prevailed against this needed reform, — and judge-made law was allowed to have longer sway in Massachusetts. Mr. Rantoul contended resolutely against continuing this principle of judicial legislation, as he justly called it, and urged the right of freemen to be amenable to no law but written law, sanctioned by their representatives. For his views of this subject, see chapter IV. of this work, as given in his oration at Scituate.

Seldom has a lawyer been placed at greater disadvantage, by the force of circumstances, or the injustice of a court before which he had occasion to speak, than was Mr. Rantoul on the morning of April 4, 1852. He arrived in Boston by the early train from Beverly, unsuspicious of any extraordinary demand for his professional services. On his way to his office he noticed an unusual crowd around the court house, and on asking some one passing the cause, he was answered, "They have caught a negro." This speedy commencement, in Massachusetts, of operations under what he regarded as the unconstitutional law in relation to fugitive slaves, he felt as an affront to the very name of freedom in his native State. He proceeded, however, in silence to his office, and began the perusal of the morning papers, when a gentleman entered and requested him to step into the office of C. G. Loring, Esq., and from there to the court house. Not returning immediately, a friend, wishing to know what had detained him, repaired to the court room and found him already engaged in the service of counsel for the alleged fugitive, a service for which he was not allowed one moment for preparation. This injustice towards Mr. Rantoul was of a piece with the injustice of the Fugitive Slave Law itself, for the commissioner who refused Mr. Rantoul one hour's time for preparing his argument, took full two days to prepare his own in deciding the case. In connection with these facts, let the reader study the following

REPORT OF THE CASE OF THOMAS SIMS.

On Thursday night, April 3, 1852, Thomas Sims, a colored man, was arrested by a posse from the U. S. Marshal's office, as a fugitive slave, and taken to the court house, where he was immediately guarded by a strong force of special police, partly under direction of the U. S. Marshal, and partly under that of the City Marshal. A line of chains was stretched round the court house, guarded by officers not appointed by the courts of the State, although both the Superior and Common Pleas courts were in session in the building. During the first day, most persons who entered the court house, including, it is said, the judges themselves, were compelled to go under the chains; but, the second day, an opening was made and people passed in, but sometimes they were questioned by the officers, and obliged to satisfy them that they had business in court. At the same time, a large military force was under arms day and night, and the special police force under the marshals was armed and drilled in martial exercises in the square every morning. All these circumstances produced the most intense excitement in the community.

On Friday morning, April 4th, the proceedings commenced before George T. Curtis, Esq., United States Commissioner. Seth J. Thomas, Esq., appeared for the claimant; Charles G. Loring, Esq., and Hon. Robert Rantoul, Jr., for the respondent. There was little dispute on the facts, and the proceedings resolved themselves almost entirely into questions of constitutional law.

Mr. Rantoul opened the argument for the defence. His points were as follows: —

1. That the power which the commissioner is called upon in this procedure to exercise, is a judicial power, and one that if otherwise lawful can be exercised only by a judge of the United States court duly appointed, and that the commissioner is not such a judge.

2. That the procedure in a suit between the claimant and the captive, involving an alleged right of property on the one hand, and the right of personal liberty on the other, and that either party, therefore, is entitled to a trial by jury; and that the law which purports to authorize the delivery of the captive to the claimant, denying him the privilege of such trial, and which he here claims under judicial process, is unconstitutional and void.

3. That the transcript of testimony taken before the magistrates of a State court in Georgia, and of the judgment thereupon by such magistrates, is incompetent evidence, congress having no power to confer upon State courts or magistrates judicial authority to determine conclusively, or otherwise, upon the effect of evidence to be used in a suit pending, or to be tried in another State, or before another tribunal.

4. That such evidence is also incompetent; the captive was not represented at the taking thereof, and had no opportunity for cross-examination.

5. That the statute under which the process is instituted is unconstitutional and void, as not within the powers granted to congress by the Constitution, and because it is opposed to the express provisions thereof.

These points Mr. Rantoul took up separately, in their order, and his argument on each was substantially as follows: —

I. The Commissioner is not a judge.

Constitution of United States, art. 3, sec. 1. "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges both of the supreme and inferior courts shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office."

The commissioners do not hold "during good behavior," but at the will of the judges, and do not receive salaries, but are paid by fees.

Under this clause of the Constitution, there can be no courts, supreme or inferior, but such as are held by judges, with the tenure and compensation therein specified.

By this clause of the Constitution, all the "judicial power" of the United States is vested in such courts, held by such judges.

The only question, then, is, whether the power the commissioner is now called upon to exercise, is a "judicial power," within the meaning of the Constitution.

Const., art. 3, sec. 2. "The judicial power shall extend to all cases of law and equity arising under this Constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority."

Then follow certain other grants of powers, but none especially applicable to this case. The question is, whether this proceeding is "*a case in law or equity*, arising under the Constitution and the laws of the United States."

It is well settled, that a "case at law," does mean merely at "common law." It includes special statute proceedings, Parsons *v.* Bedford, 3 Peters, 446. This will be conceded. The court in Prigg *v.* Pennsylvania, 16 Peters, 615, define the meaning of the word "case."

A "claim" is to be made. What is *a claim?* It is, in a just juridical sense, a demand of some matter as of right made by one person upon another to do, or to forbear to do, some act or thing as a matter of duty. A more limited, but at the same time an equally expressive definition, was given by Lord Dyer, as cited in Stowell *v.* Zouch, Plowden, 359; and it is equally applicable to the present case; that "a claim is a challenge by a man of *the propriety or ownership of a thing which he has not in possession, but which is wrongfully detained from him.*" The slave is to be delivered up on the claim. By whom to be delivered up? In what mode to be delivered up? How, if a refusal takes place, is the right of delivery to be enforced? Upon what proof? What shall be the evidence of a rightful reception, or delivery? When, and under what circumstances, shall the possession of the owner after it is obtained be conclusive of his right, so as to preclude any further inquiry or examination into it by local tribunals, or otherwise, while the slave, in possession of the owner, is *in transitu* to the State from which he fled? These and many other questions will readily occur upon the slightest attention to the clause; and it is obvious that they can receive but one satisfactory answer.

It is plain, then, that where *a claim* is made by the owner *out of possession* for the delivery of a slave, it must be made, if at all, against some other person; and inasmuch as the right is a right of property, capable of being recognized, and asserted by proceedings before a court of justice, between parties adverse to each other, it constitutes *in the strictest sense* a controversy between the parties, and *a case* "arising under the Constitution" of the United States; within the EXPRESS delegation of JUDICIAL POWER given by that instrument.

This very act of 1850 gives the commissioners "concurrent jurisdiction with the judges of the Circuit and District courts of the United States," "to hear and determine the case." The president having doubts of the constitutionality of this law, on other points, took the opinion of the attorney-general of the United States, and in this opinion, which is published, the attorney-general says: "These officers, and each of them, have JUDICIAL POWER and jurisdiction to hear, examine, and decide the case."

Mr. Rantoul then proceeded to enforce this view, by showing that the commissioner was bound, under the act, to *decide* the questions raised, and decide them finally. His acts are *preliminary* to a full judicial proceeding. There is nothing to follow. His decision in favor of the claimant is conclusive in favor of his claim to take and carry off the man. There is no appeal provided. Neither is his act *auxiliary* to a judicial proceeding, and subject to the revision of the judge. Thus the case is distinguished from all those powers involving the exercise of legal judgment that may be, and often are, confined to commissioners, clerks, masters in chancery, auditors, and even sheriffs and marshals. On examination, it will be found that all those are cases of preliminary or auxiliary proceedings, having reference to a judicial proceeding of which they are a part. The commissioner here acts independently of all other tribunals, and his decision is a final decision of the whole matter before him.

Thus, too, this case is distinguished from cases arising under the next paragraph of the Constitution.

Art. 4, sec. 2, par. 2. "A person *charged* in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime."

Under that clause, all that need be shown is, that the party is *charged* with the crime; and if *charged*, he is delivered up to the tribunal or public authority "having jurisdiction of the crime," for the purpose of having his guilt or innocence there determined. The proceeding, therefore, is preliminary and auxiliary to the full trial, like the ordinary case of binding over for criminal trials. But the section of the Constitution under which we are now proceeding, reads thus: —

Art. 4, sec. 2, par. 3. "No person HELD to service or labor in one

State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

And the statute uses the same language. It is only a person "held to service and labor," "*under the laws of the State*," that can be delivered up. He must be held, not only *de facto*, but *de jure*. The commissioner must determine, therefore, whether the man is *de facto* and *de jure* a slave, and the slave of the person who claims him, before he can make his decree. He is not to deliver over a person *charged* with being a fugitive slave, to the public authorities of another State, that the question may be tried there before a tribunal "having jurisdiction;" but having adjudged him to be the slave by the law of the State of the claimant, he delivers him up to the claimant. This is the end of the whole proceeding. Neither the Constitution nor the statute provides nor contemplates any further proceeding in the State from which he escaped, nor is he delivered up to or required to be carried before any public authority or tribunal whatever. Nor is there even any guaranty that the claimant shall carry him back to the State he escaped from. This, therefore, is not a case of extradition.

II. The Constitution requires in this case a trial by jury.

The fifth article of the amendments to the Constitution provides that no person shall "be deprived of life, liberty, or property, without due process of law." Then the seventh article of the amendments provides that "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

Upon this clause in the fifth article of the amendments, in the third of Story's Commentaries on the Constitution, page 661, sec. 1783, we find the following language: —

"The other part of the clause is but an enlargement of the language of Magna Charta, '*nec super eum ibimus, nec super eum mittimus, nisi per legale judicium parium suorum, vel per legem terræ*,' neither will we pass upon him, or condemn him, but by the lawful judgment of his peers, or by the law of the land. Lord Coke says, that these latter words, *per legem terræ*, (by the law of the land,) mean by due process of law, that is [not] without due presentment or indictment, and being brought into answer thereto by due process of the common law. So that this clause in effect affirms *the right of trial according to the process and proceedings of the common law*."

Mr. Rantoul then cited at length from Lord Coke's 2d Institutes, vol.

1, ch. 29, p. 50, and Story's Commentaries on the Constitution, vol. 3, sections 1639 and 1640.

In Lee *v.* Lee, 8 Peters, 44, it was decided that the *value of the freedom* of the party is not susceptible of pecuniary valuation, and the court will conclusively infer it to be of sufficient amount to give the court jurisdiction, in favor of the party claimed as a slave. Nor will it be denied that the person claimed is worth more to the claimant, considered as property, than twenty dollars.

III. The third point is, that the transcript of testimony taken before the magistrates of a State court in Georgia, and of the judgment thereupon by such magistrates, is incompetent evidence, congress having no power to confer upon State courts or magistrates judicial authority to determine conclusively, or otherwise, upon the effect of evidence to be used in a suit pending, or to be tried, in another State, or before another tribunal.

The doctrine grows out of the same clause: —

Art. 3, sec. 1. "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the congress may, from time to time, ordain and establish."

Mr. Rantoul then argued, first, that the "inferior courts," "ordained and established by congress," could not include the magistrates and inferior courts of the State of Georgia; and, second, that the conclusive character given to the record of the State court of Georgia, was an attempt to "vest" a portion of "the judicial power of the United States" in those courts or magistrates. The two most important questions to be decided, namely, whether the defendant is a slave by the law of Georgia to the claimant, and whether he is a fugitive, are conclusively settled by the proceeding in Georgia, which, though an *ex parte* proceeding, has yet all the effect of a judicial trial.

This point Mr. Rantoul elaborated with great skill and fulness; and he restated his position that the judicial power cannot be invested elsewhere than in courts constituted by congress, and presided over by judges holding during good behavior and having fixed salaries; and that the authority given by this act to the commissioners, and under this clause to the inferior courts of Georgia, is "judicial power," and confirmed these positions by numerous authorities, and read largely from Martin's Lessees *v.* Hunter, 1 Wheaton, 327–333.

IV. The fourth point was, that the evidence of the record from Georgia was incompetent, because taken in an *ex parte* proceeding, and in the absence of the defendant.

This point he argued on general principles of law and reason, and cited a passage of indignant eloquence from Judge Story's decision in Bradstreet *v.* Neptune Insurance Company, 3 Sumner, 608, on the admission of *ex parte* evidence.

V. The next point is the general unconstitutionality of the law. It is, that the statute under which the process is instituted is unconstitutional and void, because it is not within the powers granted to congress by the Constitution, and because it is opposed to the express provisions thereof.

The government of the United States, it is almost unnecessary to repeat, is a government of limited powers. It is, in its nature, entirely unlike the governments of the several States. It is limited to specially granted powers. The legislature of the State of Massachusetts may do whatever it may see fit to do, if it is not forbidden; and that, I believe, is the case with the Constitutions of most of the States. I will quote from the Constitution of Massachusetts, part 2, ch. 1, sec. 1, art. 4. "And further, full power and authority are hereby given and granted to the said General Court from time to time to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, *so as the same be not repugnant* or contrary to this Constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof."

Then they may make all manner of laws which are not forbidden to them in the Constitution. That I quote merely to show the sort of Constitution which prevails in most of the States, and I use it for the purpose of contrast. The United States government, instead of possessing general grants of power, subject to limitation, is a government of special grants of power, which are laid down in the Constitution. That was the original understanding of the framers of the Constitution. That is the understanding now of the judicial authorities. That is the understanding under which the several States agreed to adopt and obey the Constitution. It is the doctrine to which they adhered, and meant to adhere. It is the doctrine of Massachusetts to-day. In the 4th article of the Bill of Rights of Massachusetts, we find, —

"The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent State; and do, and *forever hereafter shall*, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be by them

EXPRESSLY delegated to the United States of America in congress assembled."

The people of Massachusetts, then, in the year 1780, in a bill of rights drawn principally by Samuel Adams, declared their intention forever to enjoy every right which they might not EXPRESSLY delegate to the United States of America in congress assembled. That was the intention of the people of Massachusetts. Have they ever departed from that intention? Have they ever shown any wish to grant any more power than that expressly granted to congress? I maintain that the State of Massachusetts has always held that it was independent, except as to those powers which it had EXPRESSLY delegated to congress. That is the Massachusetts doctrine. That is the doctrine that Samuel Adams wrote down. That is the doctrine that Massachusetts solemnly and emphatically incorporated into her Bill of Rights. That is the doctrine that stands, and "forever hereafter" shall stand, in the Massachusetts Bill of Rights. That being, then, the doctrine of Massachusetts, I ask your Honor to act up to that doctrine.

Congress shall have that power which is EXPRESSLY DELEGATED to them. Have they ever pretended to possess that which is not delegated? Never! On the contrary, they proceed always upon the supposition that the powers of the United States are created and defined by the Constitution, and that they have no other power. They proceed to distribute this power.

Const., art. 1, sec. 1. "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Art. 2, sec. 1. "The executive power shall be vested in a President of the United States of America."

Art. 3, sec. 1. "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the congress may from time to time ordain and establish."

Are there any other powers except these legislative, executive, and judicial powers vested in other persons? None! Nothing is taken by implication; because if you begin to take by implication, you know not where you may end. Nothing is to be taken by implication, because the men who framed this Constitution knew what they were doing. They knew they were creating a government of limited powers. Powers were proposed and rejected, because it was not intended that they should be inserted. Whatever was meant was written. This is the letter of attorney of congress; and whatever is not in the commission they cannot usurp or assume.

I come now to consider, — if it were not that it is unnecessary, I should run over the general doctrines of the Constitution, and show that this general rule of limitation of power runs through the whole of it, — I come now to the consideration of the 4th article of the Constitution.

Art. 4, sec. 1. "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State."

Do those words contain a grant of power? Is there a grant of power, it being considered that every grant of power in this Constitution is a grant of something which the people possessed, and distinctly and expressly transferred from themselves to the United States? A grant of power must be expressed, from the nature of the transaction itself. A State possesses and retains all the powers of government which are not prohibited to it. The United States possesses only those powers which are granted. If you contend that those powers have gone somewhere else than to the States, show me how, and when, and where. How have they been granted, if the grants do not appear by the letter of the Constitution? If you cannot show that letter, then the plain truth is, that the powers do not exist at all in the United States. For if they do exist, it is only through this Constitution. Such was the view with which the people of the United States adopted and confirmed this instrument. For they have given in the amendments, as emphatically as words can give, their sanction to the rule of interpretation which I have indicated.

Amendments to the Constitution, art. 10. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

I hold that a delegation of power must be an express delegation. Here the Constitution says, that the powers not delegated are reserved. Here is this general reservation of all powers not delegated. Now I hold that that makes it necessary that the delegation should be clear; because here is the obvious intention to retain all powers not delegated. Why was this amendment inserted? Because certain grants of powers were given, and it was feared others might be taken by implication. It was put in from greater caution; from excess of caution. It was put in to render it certain that no man could pretend that the United States had any power not given in the Constitution. That is what they meant, or else it would have been unnecessary so to amend; and yet so necessary was it regarded by one of the great sages of the Revolution, Thomas Jefferson, a man whose constitutional opinions were so much approved by the people that they twice elected him president under this Constitution, that he, speaking of this tenth article, which means nothing at all, unless it meant to say, you must expressly ascertain that the power is there, in so many words, or else it does not exist, said, in his official opinion, as secretary of State, "I consider the foundation corner-stone of the Constitution of the United States, to be laid upon the tenth article of the amendments." It will not do when a great apostle of human liberty has declared this article to be the corner-stone, the foundation upon which the whole structure rests, — it will not do to say that it means nothing. It was put there to show the intention to reserve all power, which was not necessarily, by the strictest construction, granted to the United States.

Now I come back to the 4th article of the Constitution; and I ask, after these remarks, whether the words which I have read do contain a grant of power. "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." That declares that something *shall be done*, that it shall be done too *in every State*, and that something *must be done by the State*. Full faith shall be given in each State. Is that a grant of power to congress to regulate how "full faith shall be given?" It certainly is not from the principles which I have laid down. It is certain that it is not from that which follows. If the framers of the Constitution had supposed that the first clause did grant the power, then they would not have gone further and given the power in so many words; because here is an instrument where there are no words wasted. And when they say that "congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof," they did so, because they knew congress could not otherwise have touched this subject. If the first clause only had been used, then congress could have done nothing in the premises. The prohibition, or command, call it which you please, was directly to the States. Then it goes on to say that *congress may regulate;* that gives the power to congress.

I pass to the second section. I have made these observations for the purpose of applying the principle for which I am contending, to the second section.

Art. 4, sec. 2, par. 1. "The citizens of each State shall be entitled to all the privileges and immunities of the citizens in the several States."

Is that a grant of power to congress? The citizens of each State shall have the privileges of citizens in the several States. Well, that is a direction to the States, and to nobody else. It does not authorize congress to act, and yet here is a case where congress might act, if the States had chosen to give them the power. Suppose this man is declared free; and suppose this man ships as a steward on board one of our merchant vessels, and goes to Charleston, South Carolina. There he is taken out of the vessel by the authorities, and imprisoned during the stay of the vessel. And if his jail fees are not then paid, he is sold as a slave. The State disobeys this positive command; and congress has not determined that it has the power to act. And most certain it is, that if the pretence were set up that congress had a right to legislate on this subject, it would be asked with great pertinency, "If the framers of the Constitution meant so, why did they not say so, as they did in the first section?" Congress has no such power. If it has, where is it given? It is replied, "It is declared in the second section, that the citizens shall have the privileges of citizenship throughout the United States." "Oh!" the answer would come, "that is a direction to the States. Where is the grant of power to congress? No, no! it is not at all like the first section. There full faith was to be given to the proceedings of other States, *and congress has the power by express enactment* to control it. In the case of the second section, however, congress has no such power; for if it was intended that it should have the power, that power would have been conferred in express terms." If this argument could have been answered, some one would long since have proposed an act protecting the citizens of each State in every other State, it would have been passed, and it would have been sustained by judicial decisions, and enforced. But that has not been the case, because the power was not given to congress. Well, then, I come to the other clauses of the same section.

Art. 4, sec. 2, par. 2. "A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

Any grant of power to congress there? Not unless there was in the first clause of the first section. But yet in the first section they thought it necessary to express the grant, and here not. It is not a clause which in its nature necessarily implies that it must be executed by congress, because it can be executed by the States. If it had said something shall be done, and that something was that which, in its nature, could be done only by the United States government, which was impossible in its nature to be done by the States, then it could be said that it was absurd to pretend it must be done by the States. But in this case it can be done by the States. It is now done by the States, although regulated by a federal law. It can be done by virtue of a State law, just as well as by congress. The State of Massachusetts might have made regulations to give up fugitives from justice, just as well as congress. It would have been for the mutual interest of the States of this Union to make laws for the delivery of fugitives from justice. It would have been done just as certainly, and just as well, by States as by congress. Not only is this power not given to congress in words, but it is a power which might with equal propriety be given to either the State or the national government; and the Constitution has declared that that which is not given to the general government is reserved to the States.

THE COMMISSIONER. I do not like to interrupt you, but I wish to understand you. I wish to ask if your argument goes so far as to maintain that congress has not the power to carry out that section?

MR. RANTOUL. It does. I know that congress have legislated on this subject. But I maintain that the power is not granted. Then comes the next clause. The ground that I have taken may be defended with stronger arguments with regard to this clause, than with regard to the clause concerning fugitives from justice; so that a judge with nice distinctions might decide that congress could pass laws with reference to the first, and not with reference to the second. The objection is stronger in regard to the latter.

Art. 4, sec. 2, par. 3. "No person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

Now, I say, here is no grant of power, which is the same remark I made with regard to the last clause. But I go further with regard to this, and say that there are words here to show that the reference is made directly to the States. And the words are these: "No person held to service or labor in *one State*, under the laws thereof, escaping into *another*, shall in consequence of any law or regulation THEREIN, be discharged from such service or labor." There is a prohibition directed to the States. You shall not undertake by your laws to discharge a fugitive from labor.

The prohibition is, from its nature as well as its form, directed to the States, and cannot be directed to anybody else. The prohibition is to the States clearly upon the face of it; and although a judge might think my argument not of sufficient force in regard to the former clause, yet here the argument is stronger. Here is not only no grant of power, it is not only a power which States can exercise as easily as the general government, (you may think that the general government would do it better, and I might think it might do it worse, which would be a matter of opinion;) but the fact that the Constitution does not give the power to congress, shows that it must remain with the States; and then comes the direct prohibition to the States. Then if that prohibition is directed to the States, what follows? "But shall be delivered up!" *Delivered up?*

By whom? By the party that is prohibited! *The State* is commanded not to discharge, and *the State* is commanded to deliver up. If the Constitution meant that Congress should exercise the power, they would have said so. If they meant to have Congress and the States act on this subject, concurrent power would have been given. This, then, is a grant of power solely to the States, or solely to the general government; and as I cannot find the grant to the general government, as this clause stands precisely as the first clause in the first section would, without the power, unless it is given, I must come to the conclusion that the power is retained in the States exclusively. Here, both the prohibition and the command are addressed to the State. And I am induced to think that this is the view the State of Georgia will ultimately take of the subject, consistently with that system of doctrine which she has always advanced, and with that jealousy which she has always manifested with regard to the increase of federal power. Consistently with that view which they have long maintained, they cannot take the latitudinarian construction. And sure I am that the State of South Carolina would necessarily take this view of it, or else strangely depart from her most cherished principles. I do not urge this as authority for your honor to act on. I simply bring forward that fact, if it be a fact, that supposition, if it be only a supposition, in order to remind your honor that there is not a general ascertained consent of the people of the United States to any contrary doctrine.

It is not certain that the people of the slave-holding States, as a general thing, will hold this law constitutional, on the ground on which I am now speaking. Many of their statesmen have declared that it is one of the greatest encroachments of the federal power. Senators from the South have agreed in this. The Hon. Jefferson Davis, to mention no other name, contends that it was one of the greatest outrages upon the States, for Congress to exercise a power not granted in the Constitution, and he denies this power to be granted. And I undertake to say that that feeling is increasing, and likely to increase everywhere. For it is most important to proceed upon sound principles, and people in a great crisis go back to sound principles. These, then, are the reasons why I say that this law is unconstitutional.

There is no grant of power to enact it. It cannot be enacted without such a grant. I then go further and say, which is a mere recapitulation, that this law is unconstitutional, because it is in violation of express provisions of this Constitution. And those I have already argued. They are, that judicial power shall be exercised only by judges; that in suits at common law, where the value in controversy is more than twenty dollars, the right of trial by jury shall be preserved. There are various other propositions which bear upon the subject, such as that a party shall not be deprived of his life, liberty, or property, without due process of law. And due process of law includes trial by jury and an impartial hearing with confronting of witnesses. Liberty is of more value, most certainly, than the sum of money limiting jury trials, or than any other conceivable sum of money.

I say that this act is void, because it contravenes express provisions of the Constitution of the United States. The Constitution of the United States knows but three kinds of power: legislative, executive, and judicial. The executive power cannot be intrusted to anybody else than the president, although he may employ instruments. The legislative power cannot be intrusted to anybody else than the legislature. The judicial power cannot be intrusted to anybody else than the judges. And the Constitution does not pretend or undertake to do otherwise.

Now you might as well say that Congress could intrust to the executive a portion of the judicial power, or to the judges a portion of the executive power, or to either of them a portion of the legislative power, as to say that persons who are not of the judiciary shall exercise judicial power. The power under which your honor is asked to act, must be one of these three powers. Is it a legislative power? Certainly not! Is it an executive power? Certainly not! If your honor is merely acting as the instrument of the government, in accordance with acts which are constitutional, we should be glad to know it. But in this case the decision of the controversy is an act of judicial power, and not an act of executive power. Then your honor must sit under the authority of the judicial power.

All executive power is vested in the president. Is your honor acting by his orders? If so, we should be glad to know it. Is your honor acting by virtue of any decree in the United States Court? No, again! What is it that your honor is doing? Trying a case, and nothing else! Why, what I read from Lord Coke, quoted from Virgil, about the court below, where his honor, Judge Rhadamanthus, first punished, and then heard, was a slander upon that court. It is not so. The latest reporter concerning that court, (*Dante Allighieri*,) has given a different account of the judgment rendered by Judge Minos, having concurrent jurisdiction with Rhadamanthus. He tells us: —

"*Dicono e odono, e poi son giu volte.*"
They speak, and hear, and *then* are whirled below.

Now, in this case, is your honor hearing a case as they are heard in all courts on earth, and under the earth, a case which is to be decided on judicial principles, or is your honor acting as an executive officer? In which latter case, all the questions both of fact and of law would seem to be raised and heard to little purpose. I suppose that the argument I am making is addressed to the judicial mind of the officer, and that his action on it is a judicial action. If it be a judicial act, where does your honor get the authority for it? Your honor gets it, if at all, from that part of the Constitution from which the other judicial power comes. And no fraction of that can be given to any one except a judge. And is not your honor doing a judicial act, without the functions of a judge? Are you not doing such an act, when you hear, weigh, and decide upon an argument upon the constitutionality of an act of Congress? Aye, decide without appeal!

There is no escape from this conclusion, for there are but three classes of power in the Constitution. Is your honor to suppose that this preliminary examination, held by an executive officer, is merely to send a man somewhere else where the same question may be tried? Does your honor suppose that THE ESCAPE of this man is to be tried anywhere else? If your honor remands him to Georgia, it puts him in the situation of a man already adjudged to be a slave. He is tried by a different law there, from what he is here. The fact that he is a colored man does not make a presumption against him here that he is a slave. In Georgia, the presumption of fact and the presumption of law are, that he is a slave. You send this man from the place where the presumption of law and the presumption of fact are that he is free; and you send him back to Georgia, where there are two presumptions, the one of law, and the other of fact, which close his mouth upon this question. The fact of HIS ESCAPE is settled here. Nor do I know that there is any law of Georgia which would make him free, if he had been carried by force from that State to this; or if that be law in Georgia, it does not appear that it is so in all other States. Or even if it be law in all the States of the Union, that law may be changed in any of the States at any time. Therefore your honor may be *finally deciding* questions of law as against all possible remedies. Are not these acts judicial?

Why, the court below, that I spoke of, might be said to be going through a preparatory process, for the convicts await final judgment. We do not know that this man will have another judgment in this world. He may have one on different principles in the world to come.

There are several things that I had intended to say yesterday upon the other points raised, as to where this contravenes positive provisions of the Constitution. But I forbear to urge them. When the court intimated that twenty-four hours were sufficient to prepare for this debate, it was an intimation to the counsel that no very wide range of debate would be allowed to be taken.

There were some minor points presented by Mr. Rantoul, not of general interest, relating to the execution of the papers from Georgia, etc., which it is not worth while to detail here.

Charles G. Loring, Esq., delivered a powerful and earnest closing argument in favor of the defendant, and the cause of the claimant was argued by Seth J. Thomas, Esq.

On the 11th, Geo. T. Curtis, Esq., the commissioner, delivered an elaborate written opinion, fully sustaining the statute in all points, and executed a certificate remanding Sims into the custody of the claimant.

On Saturday the 5th, Samuel E. Sewall, Esq., had moved the Supreme Court of the State for a writ of *habeas corpus*. This was refused without argument. After the refusal, Mr. Sewall asked leave to speak in favor of the petition, but this was also refused. In the course of that day and Sunday, it was understood that several gentlemen, among whom Charles G. Loring and Franklin Dexter, Esquires, have been named, spoke privately to the Chief Justice on the subject, urging the propriety of a hearing, and it was then intimated that the court would hear an argument on Monday morning.

Accordingly, on Monday, the 7th, in the midst of his preparation for the hearing before the commissioner, Mr. Rantoul went into the Supreme Court and delivered an earnest, eloquent, and elaborate argument in favor of the granting of the writ. As his argument was on the same points and authorities which he used before the commissioner, they need not be repeated here.

R. H. Dana, Jr., Esq., was associated with Mr. Rantoul in this motion; but Mr. Dana stated that he had been called in without a moment's notice, it being understood that Mr. Sewall's motion was refused, and left the argument entirely to Mr. Rantoul, who was prepared on the points, as counsel before the commissioner. Mr. Dana presented the single point that the court must grant the writ, if the petition was in due form and presented a probable cause, and the hearing must be had on the return. He admitted that the courts in England had assumed a discretion, and had been followed by the courts of this country; but he argued that the Revised Statutes of Massachusetts, ch. 3, sections 1–4, intended to take away this discretion, or to declare it unlawful. The court overruled this point, as well as the points made by Mr. Rantoul on the unconstitutionality of the statute under which Sims was held, and refused the writ.

With the decision of the commissioner ended the labors of Mr. Rantoul in behalf of the unhappy fugitive, and in favor of the cause of freedom and humanity, as embodied in this case; labor so honorable to his heart and his understanding, but still more so to his civil courage and disinterestedness.

The subsequent history of this case is part of the history of Massachusetts, for good or for ill.

On Thursday, April 10th, Charles Sumner and Richard H. Dana, Jr., Esquires, presented a petition for a *habeas corpus* to Judge Woodbury, of the U. S. Supreme Court, then in the city. A hearing was had late at night, between 9 and 10 o'clock, in the Circuit Court room, in the midst of an armed police. This petition was to discharge Sims from the custody of the marshal, as far as he held him, under a complaint issued against him for resisting an officer of the United States. It was founded on the reason that the marshal had held him for nearly six days in custody under this complaint, without taking him before a magistrate to be examined or bailed. Judge Woodbury refused the writ, on the ground that the marshal had not, under the circumstances, wantonly and unnecessarily delayed bringing him before a commissioner. The object of this proceeding was to leave Sims to the operation of the Fugitive Slave Law alone. If he was held by that alone, it was contended that the claim of the master, being a merely civil claim, must yield to the criminal process of the State. And there was at this time a criminal process in the hands of the sheriff of the county, requiring him to arrest Sims for an assault with an intent to kill. On this, it was intended to try the question of precedence between the State criminal process and the claim of the master. To avoid this, a complaint was made against Sims before Mr. Commissioner Hallett, for resisting a United States officer, and a warrant placed by him in the marshal's hands, commanding him to arrest Sims and bring him before a commissioner for a hearing. This warrant was kept by the marshal, and he refused to surrender Sims to the sheriff, on the ground that the *criminal* process of the United States had the first possession. Judge

Woodbury refusing to discharge Sims from that warrant, and justifying the marshal in retaining him under it without return or service, the marshal continued to hold Sims under it until he was out of the limits of the State, without ever bringing him before a magistrate to be examined or bailed. And the sheriff refused to take Sims from the custody of the marshal. Thus he was taken out of the State under the certificate of the commissioner, covered by a sham criminal process of the United States.

CHAPTER III.

MR. RANTOUL'S EARLY AND PERSEVERING DEVOTION TO THE CAUSE OF POPULAR EDUCATION.

In one to whom knowledge was as the breath of life, to have been an active and efficient advocate of education, and a zealous friend of improvement in the means of its general diffusion, was but a natural and consistent expression of character. Such were his singular powers of acquisition, and his incessant industry as a student, that his estimate of the value of knowledge was formed as much from his consciousness, his personal experience, as from his observation of its effects on the character of the most useful and honored of mankind. While he felt its generous tendencies, the enlargement of view it imparts, its endless multiplication of interesting objects of thought, and of motives to all kinds of excellence, still he maintained, that knowledge itself depended for its worth, its character as good or bad, beneficent or hurtful, on the use made of it. Like the noon-day light, it may shine upon the evil and the good, on the pathway of the just and the unjust.

While he held that knowledge is to be regarded as instrumental, chiefly a means, rather than an end, since it may be power for evil as well as good, yet he looked to education as the great reforming principle of the world. Of the marked difference between the aims of the present age, and those of any preceeding one in respect to the diffusion of knowledge, he said: "In past ages the means of the acquisition of knowledge were only within the reach of the privileged few, and although they were justly regarded as worthy of the greatest consideration, yet their extensive diffusion, and more especially their universal use, through all the gradations of society, scarcely were thought of. Now, it is not so much an object of inquiry how men may increase a stock of learning and knowledge, far advanced beyond a vast majority of mankind, but rather how all may be furnished with the means of that knowledge which will enlighten them in regard to their common duties, and best promote the enjoyment and happiness of their lives."

In thus promoting the welfare of his fellow men, few, who have not made the advancement of education a distinct profession, have exerted a wider, or more beneficial influence than Mr. Rantoul. He was, however, very far indeed from regarding the acquisition of knowledge, or the cultivation of the intellect, the whole, or even the principal part of education. He thought much more of the training of the sentiments and affections, which, as it forms the moral character, renders knowledge a blessing or an evil. The theme of one of his earliest published addresses on this subject, was "The greater importance of moral education than intellectual." On this distinction he always insisted with great earnestness. It pervaded all his views upon the subject, and involved a principle worthy of this reiterated announcement. Never was there a greater mistake than that the chief purpose of education is accomplished in merely intellectual culture. Enough, and more than enough is said of this. The homage paid to it, if not exaggerated, is due much more to the culture and discipline of the sentiments and affections. Training them in the right direction is the highest office of the teacher. Intellectual power alone, may indeed be admired, like the mountain torrent, or the lightning flash, for force or brilliancy; but a higher homage is due to morality, that rectitude of aim which guides the strength of the one, and the swiftness of the other, to beneficent results.

Mr. Rantoul felt and inculcated this higher reverence for moral worth. "The heart," he says, "is the only true standard by which the real worth of man, a moral agent, can be estimated. Knowledge is good or bad, according as it is well or ill used. Morality is good of itself." These principles, so honorable to the convictions of his mature understanding, gave an ingenuousness of character, a directness and purity of purpose to his whole life. They early turned his attention to those objects of moral reform in which the public felt a growing interest, and which he believed necessary to individual usefulness and national prosperity. His advocacy of the cause of temperance, of which he was in habit an example, was marked by a zeal, free from cant and extravagance, and by a respect for those natural rights, which no freeman can surrender, of doing his own thinking and using his own senses in his own way, while he duly regards the rights of others. Mr. Rantoul was not guilty of a common injustice in the friends of a good object, of denouncing those who happen to differ from them, as to the best means of promoting it. For the sake of a temporary victory, or even a lasting triumph, he would not misstate facts, or deny principles which his understanding justified. All who knew him intimately, honored the sentiment, which he deeply felt, of responsibility in the use of his mental powers. Ambitious, he unquestionably was, of the honor conferred by intellectual distinction; but he would not sacrifice to it his sense of duty, his moral independence. His highest ambition was to do true service to his fellow men. He acted on the principle, to which his early education had given an abiding force, that no success in life, whether measured by wealth or fame, would compensate for the loss of the calm sunshine of conscious integrity, or of that just praise which is awarded to a life of usefulness and beneficence.

It is difficult to do justice to Mr. Rantoul as an advocate of popular education. His numerous speeches at conventions of the friends of this great cause, in the different counties of his native State, are now to be found only in their effects, and the memories of those to whom they were addressed. One of these, and not the least eloquent, was delivered under circumstances of peculiar interest. It was in Plymouth county, previous to the establishment there of the Normal School, before a large convention of those who favored it, and which was also addressed by the venerable John Quincy Adams and Daniel Webster. Mr. Rantoul's eloquent and effective appeal in behalf of education, was worthy of his association with such men in such a cause, worthy of himself, and of his numerous and enlightened auditory. What illustrious examples of the almost creative power of education are presented in the character of the three men, who there stood up, amid scenes made holy by the love of liberty and religion, by the toils and sufferings of their pilgrim ancestors, to advocate the cause of moral and intellectual culture. What examples of its power and how well did they justify the respect paid to it by the fathers of New England. Could they have looked down from their celestial abodes, upon this gathering of their descendants, their heavenly benedictions would have descended upon this public endeavor to foster that education, which they honored as the parent of national liberty and guardian of true religion. The "old man eloquent," who had risen under the plastic influences of domestic, literary, and political education, to the highest honors of the republic of letters, and the republic of freedom — the chief magister of the Union, who, the longer he lived, was the more a republican, whose knowledge, in his latter years, of the political history and the actual condition of every government, every dynasty, every people in the civilized world, was more extensive and accurate than that of any other man living; he to whom the secrets of courts and cabinets, of kings and republics, were alike familiar, who in wisdom, as well as years, was the counsellor and guide of the friends of freedom in all lands; what an example was he of the ennobling benefits of education! And without it, what would have been the late great orator, jurist, statesman, Daniel Webster? He, whose mind was believed to have been modelled in the majestic proportions of his physical frame, whose eloquence in the senate fell with the force of the club of Hercules upon the hydra form of disunion, and whose ability in the cabinet wrung from despotic courts, unwilling homage to the majesty and power of republicanism; the lofty structure of his fame was founded as much upon the advantages of education, as on his singular natural endowments. Last, but, his years being considered, not least, the lamented Rantoul, cut short so early in a career of public usefulness and enduring fame, not inferior in the substantial acquirements upon which it was made to rest, or in the genius with which it was vindicated, to any that ever graced the halls of American legislation, or gave a charm and a blessing to the scenes of private life, he, as wonderful for varied knowledge as for brilliancy of intellect, most happily illustrated the beneficent results of an ardent pursuit of truth, and a high moral culture. The mere presence of such men at a convention of the friends of popular education, was a noble advocacy of the cause. It is needless to say that the object of this convention was soon accomplished; its failure was impossible.

The Massachusetts Board of Education was established in 1836; and from that time to 1842, Mr. Rantoul was one of its most active and efficient members. He not only attended the meetings of the Board furnished with information suited to its objects, he was ready to work for their accomplishment. His zeal was guided by knowledge, and his industry was indefatigable. His labors in that office were congenial with his tastes and principles; for he felt that he was at work for the people, and for institutions of infinite value, depending on the people's intelligence and virtue. Long, however, before these public and official labors in the cause of education, Mr. Rantoul proved himself its active friend, by addresses from time to time delivered on kindred topics, and adapted to enforce and illustrate its importance. In subsequent chapters, some of these productions will be given to the reader. He was early, as we have seen, an advocate of those useful institutions for mutual information and improvements, known throughout the country under the name of Lyceums. He actually originated, at the cost of considerable effort, several of those, the earliest formed in this Commonwealth. To an address, extracts from which are given in No. 6, Vol. I, of the Workingmen's Library, (1834,) reference has already been made. Its subject, "Moral Education more important than Intellectual," is ably illustrated. But as the leading thoughts and valuable sentiments of this address are incorporated, with additional remarks, in an article of his on Education in the North American Review, (Oct. No. 1838,) further reference to that earlier production seems unnecessary. In 1839 was published Mr. Rantoul's "Introductory Discourse before the American Institute of Instruction," which, together with the article on Education in the following pages, is again presented to the public. In the same year, 1839, Mr. Rantoul was requested, on the spur of a sudden emergency, when he was pressed for want of time for other engagements, which he deemed indispensable, to prepare the "Introductory Essay to the School Library," a series of works sanctioned by the Board of Education. How well he performed a task so unexpectedly imposed, which had been assigned to another, and for which Mr. Rantoul was allowed scarcely an hour for immediate preparation, any one can judge by turning to Vol. I. of that work. This essay is chiefly remarkable for the readiness with which he commended, in appropriate extracts, the best things which had been said, either in legislative assemblies or by distinguished individuals, in public or private life, on the subject of popular education, and the kind of books best suited to the dissemination of useful knowledge among the readers furnished by the common schools. Its republication, however desirable, would scarcely be consistent with the design of this volume.

On the whole, the labors of Mr. Rantoul in the cause of popular education will long be held in honor by the friends of American liberty, and especially by the citizens of his native State. He was unquestionably one of its ablest, most consistent and persevering advocates.

In the midst of Mr. Rantoul's professional and political career, and the innumerable calls for his services in the cause of education and reform, he found time to collect and arrange a mass of materials for a history of France. For this purpose he had rendered his library rich and voluminous in the treasures of French literature and science, necessary to an accomplished historian of that country. Some thirteen hundred volumes of the best French authorities, which he had selected with great care, afforded him the means of a thorough knowledge of a subject so interesting to him.

He often remarked that the history of France ought to be written by an American; and he had written an introduction to such a work, and matured a plan of the whole. Had he lived to complete this undertaking, his learning and talents give ample pledge that it would have been a noble monument to his fame.

REMARKS ON EDUCATION.

FIRST PUBLISHED IN THE NORTH AMERICAN REVIEW.

1. *The Constitution of the Commonwealth of Massachusetts, Chapter Fifth.*
2. *The Revised Statutes of the Commonwealth of Massachusetts*, passed November 4th, 1835, *Chapter Twenty-third.*
3. *An Act authorizing the Establishment of District School Libraries.* April 12th, 1837.
4. *An Act to establish a Board of Education.* April 20th, 1837.
5. *An Act concerning Schools.* April 13th, 1838.
6. *First Annual Report of the Board of Education, together with the First Annual Report of the Secretary of the Board. Printed Document of the Senate, No. 26.* February 1st, 1838. pp. 75.
7. *Report of the Secretary of the Board of Education on the Subject of School Houses, supplementary to his First Annual Report. Printed Document of the Senate, No. 80.* March 29th, 1838. pp. 64.
8. *Report on Elementary Public Instruction in Europe, made to the Thirty-sixth General Assembly of the State of Ohio. December* 19, 1837. By C. E. Stowe. *Reprinted by Order of the House of Representatives of the Legislature of Massachusetts.* March 29th, 1838. *Printed Document of the House, No.* 64. pp. 68.
9. *Report and Resolves relative to qualifying Teachers of Common Schools. Printed Document of the House, No.* 57. pp. 8.
10. *Abstract of the Massachusetts School Returns, for* 1837. January 1st, 1838. pp. 302
11. *Resolves relative to qualifying Teachers for Common Schools.* April 19th, 1838.

Perhaps no people on the face of the earth were ever more deeply imbued with a sense of the necessity of providing for all the children of the community a wholesome education, than the Pilgrims who landed on the rock of Plymouth, and their immediate descendants and successors, the founders of the New England States. They indeed seem, like that Eastern monarch who excelled the age in which he lived, in the homely wisdom of common sense, as much as in all the learning of his time, to have regarded the training up of the rising generation in the way they should go, as the only effectual preparation to fit them to walk in the path of virtue. They were not the men to neglect any known duty; and, accordingly, their conduct evinces an anxious determination, from the very first, to bequeath to their posterity, wisdom, knowledge, and virtue, generally diffused, to be the stability of their times, their trust and stay amid all coming dangers. No one who reviews their early legislation can fail to perceive that they regarded Education as the sheet-anchor of the public welfare, the essential security of the highest temporal and eternal interests of the mighty family of nations; in whose majestic march, conquest, and occupation, over this newly discovered continent, God's Providence had ordained them to be the pioneers.

If an undertaking, commenced upon the principles of Anglo-American colonization had totally miscarried, if the various obstacles which the adventurous fathers of the Western world were destined to encounter had forever frustrated and extinguished their enterprise, it would still have interested us intensely as an object of philosophical curiosity. But, when we know that it has succeeded, and consider the consequences of its success, it stands out in prominent relief above all other facts, the original, peculiar, heaven-directed phenomenon of human history. Love to God and man, freedom, light and progress were the guiding and governing motives of their holy work. When we look back upon those chosen instruments of our redemption from the fetters which yet bind speech and action, nay, thought and conscience, in the world from which they came out, their magnanimous purpose, carried into effect as it was, with the stern inflexibility of an abiding conviction of duty, kindles in our hearts a glow of admiration and gratitude. But when we view their great design accomplished, and regard the immensity of its results, the moral grandeur of the spectacle rises to a character of sublimity that can never be surpassed, and can scarcely be paralleled.

A refined civilization, and a superior political organization, at, or near, the close of the present century, will have peopled the States of the American Union with one hundred millions of inhabitants, and children are already born who will live to be the fellow countrymen of more than double that number. Why is it impossible that these hundred, or two hundred millions of human beings should be doomed to live slaves? Because their fathers were educated in freedom. Why is it impossible that they should grovel in sensuality, or debase themselves into a sordid selfishness? Because their fathers were educated in Christianity. Why is it impossible that they should groan in want, dragging out their existence in pauperism and misery? Because their fathers have been educated in the application of the sciences to the useful arts, and in the prudent and wise economy of public and private duty, of social and domestic life.

If confidence animates our anticipations, and hope gilds our prospect, it is because we are educated to the capacity of enjoyment. If a doubt sometimes overclouds the future, it is when the fear steals upon us — may it prove an idle apprehension — that we shall not hold true to the trust confided to us, and that the cause of education may suffer in our hands. Should our fortunes come to that issue, we should be left without excuse; the whole world would cry out against us, and we should condemn ourselves, degenerate sons of noble ancestors.

The foundation of the College, and the instruction of all the children in the English tongue, the capital laws, and the grounds and principles of religion, were among the first objects of attention in the Massachusetts colony. In the Colony Laws, under date of 1642, we find the following enactment: —[a]

"Whereas, through the good hand of God upon us, there is a college founded in Cambridge, in the county of Middlesex, called Harvard College, for the encouragement whereof this court hath given the sum of four hundred pounds, and also the revenue of the ferry betwixt Charlestown and Boston; and that the well ordering and managing of the said college is of great concernment; It is therefore ordered, that the Governor and Deputy, and all the magistrates within the jurisdiction, together with the teaching elders of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, and the president of the college, shall have power to establish statutes and constitutions for the instituting, guiding, and furthering of the members thereof in piety, morality, and learning, and also to manage the revenues."

In May, 1650: —

"Whereas, through the good hand of God, many well devoted persons have been, and daily are, moved and stirred up to give and bestow sundry gifts, legacies, lands, and revenues for the advancement of all good literature, arts, and sciences, etc. * * * and for all necessary provisions that may conduce to the education of the English and Indian youth of this country in knowledge and godliness: It is therefore ordered for the furthering of so good a work, that the college shall be henceforth a corporation, etc."

The act went on to grant sundry exemptions of their lands from taxes, their goods from tolls, customs, and excises, and their servants and officers from civil and military services, watchings, and wardings.

In 1654: —

"Whereas, we cannot but acknowledge the great goodness of God towards his people in this wilderness, in raising up schools of learning, and especially the college, from whence there hath sprung many instruments, both in church and commonwealth, both to this and other places, * * * fearing lest we should show ourselves ungrateful to God, or unfaithful to posterity, if so good a seminary of knowledge and virtue should fall to the ground through any neglect of ours; It is therefore ordered, that one hundred pounds be yearly added to the country rate, to be paid to the college treasurer for the behoof and maintenance of the president and fellows of the college."

Since that time the bounty of the Colony, Province, and Commonwealth, has been extended to our ancient University, in donations of land and money, to an amount far beyond the patronage of any other State of our Union, to any other seminary.

In May, 1642, the legislature gave their attention to domestic education: —

"Forasmuch as the good education of children is of singular behoof and benefit to any commonwealth, and whereas many parents and masters are too indulgent and negligent of their duty in that kind; the selectmen of every town, in the several precincts and quarters where they dwell, shall have a vigilant eye over their brethren and neighbors, to see, first, that none of them shall suffer so much barbarism in any of their families, as not to endeavor to teach, by themselves or others, their children and apprentices, so much learning, as may enable them perfectly to read the English tongue, and knowledge of the capital laws; upon penalty of twenty shillings for each neglect therein.

"Also, that all masters of families do once a week (at the least) catechize their children and servants in the grounds and principles of religion; and if any be unable to do so much, that then, at the least, they procure such children and apprentices to learn some short orthodox catechism without book, that they may be able to answer unto the questions that shall be propounded to them out of such catechism, by their parents or masters, or any of the selectmen when they shall call them to a trial of what they have learned in that kind.

"And, further, that all parents and masters do breed and bring up their children and apprentices in some honest lawful calling, labor, or employment, either in husbandry or some other trade, profitable for themselves and the commonwealth, if they will not or cannot train them up in learning, to fit them for higher employments.

"And if any of the selectmen, after admonition by them given to such masters of families, shall find them still negligent of their duty in the particulars aforementioned, whereby children and servants become rude, stubborn, and unruly; the said selectmen with the help of two magistrates, or the next county court for that shire, shall take such children or apprentices from them, and place them with some masters for years, (boys till they come to twenty-one, and girls eighteen years of age complete,) which will more strictly look unto, and force them to submit unto government, according to the rules of this order, if by fair means and former instructions they will not be drawn unto it."

And in 1654: —

"Forasmuch as it appeareth by too much experience, that divers children and servants do behave themselves disobediently and disorderly towards their parents, masters, and governors, to the disturbance of families and discouragement of such parents and governors; It is ordered, that any magistrate may sentence the offender to corporal punishment, by whipping or otherwise, not exceeding ten stripes."

Meanwhile other securities had been found necessary. In 1647, was adopted the following provision: —

"Whereas, sundry gentlemen of quality, and others, oft-times send over their children into this country to some friends here, hoping (at least) thereby to prevent their extravagant and riotous courses, who, notwithstanding (by means of some unadvised or ill affected persons, which give them credit, in expectation their friends either in favor to them, or prevention of blemish to themselves, will discharge their debts) they are no less lavish and profuse here, to the great grief of their friends, dishonor of God, and reproach of the country; it is, therefore, ordered, that credits given to minors should be forfeited, and penalties incurred by minors, by means of their creditors, beyond their own ability to discharge, should be paid by their creditors."

And in 1651: —

"Upon information of divers loose, vain, and corrupt persons, both such as come from foreign parts, as also some others here inhabiting or residing, which insinuate themselves into the fellowship of the young people of this country, drawing them both by night and day, from their callings, studies, and honest occupations, and lodging-places, to the dishonor of God, and grief of their parents, masters, tutors, guardians, and overseers; It is ordered, that whoever shall entertain children, servants, apprentices, scholars belonging to the college, or any Latin school, and shall not discharge and hasten all such youths to their several employments and places of abode or lodging, shall forfeit forty shillings, on conviction before a magistrate, or commissioner authorized to end small causes."

The peculiar glory of Massachusetts is, that she led the way in establishing a system of common schools. Not to keep and maintain the schools required by law, has been an indictable offence in Massachusetts, since 1647. The following is an act of that year: —

"It being one chief project of Satan to keep men from the knowledge of the Scripture, as in former times keeping them in unknown tongues, so in these latter times by persuading from the use of tongues, that so at least the true sense and meaning of the original might be clouded and corrupted with false glosses of deceivers; to the end that learning may not be buried in the graves of our forefathers, in church and commonwealth, the Lord assisting our endeavors;

"It is therefore ordered by this court and the authority thereof, that every township within this jurisdiction, after the Lord hath increased them to the number of fifty householders, shall then forthwith appoint one within their towns to teach all such children as shall resort to him to write and read, whose wages shall be paid either by the parents or masters of such children, or by the inhabitants in general, by way of supply, as the major part of those that order the prudentials of the town shall appoint; provided that those who send their children be not oppressed by paying much more than they can have them taught for in other towns.

"And it is further ordered, that where any town shall increase to the number of one hundred families or householders, they shall set up a grammar school, the master thereof being able to instruct youth so far as they may be fitted for the university; and if any town neglect the performance hereof above one year, then every such town shall pay five pounds per annum to the next such school, till they shall perform this order."

The religious qualifications of teachers were not overlooked.

"Forasmuch as it greatly concerns the welfare of this country, that the youth thereof be educated, not only in good literature, but in sound doctrine, the court therefore commends it to the serious consideration and special care of the overseers of the college, and the selectmen in the several towns, not to suffer in the office of instructing youth, any that have manifested themselves unsound in the faith, or scandalous in their lives, and have not given satisfaction according to the rules of Christ."

In May, 1671, the court upon weighty reasons judged meet to double the penalty upon towns of one hundred families neglecting to keep a grammar school. In October, 1683, the court ordered every town consisting of more than five hundred families to set up and maintain two grammar schools, and two writing schools. The Province Law of 1692 reënacted the Colony Laws, except that of 1683.

All these laws were found to be less effectual than the legislators had hoped, and from time to time measures were taken to enforce them. A colony law, reciting the requisition that all children and youth be taught to read perfectly the English tongue, knowledge in the capital laws, some orthodox catechism, and some honest employment, — "the neglect whereof, as by sad experience from court to court abundantly appears, doth occasion much sin and profaneness to increase among us, to the dishonor of God, and the ensnaring of many children and servants, and is a great discouragement to those family governors, who conscientiously endeavor to bring up their youth in all Christian nurture, as the laws of God and this commonwealth require;" — orders that it be notified to the selectmen in every town, that the former laws must be obeyed, and directs lists to be made out, and returned to the next court, of all young persons who live from under family government.

In 1702, it was recited, that the school law was shamefully neglected by divers towns, tending greatly to the nourishment of ignorance and irreligion, and the penalty for non-observance of the law was fixed at twenty pounds per annum. It was enacted, that the grammar schoolmaster should be approved by the ministers of the town and the two next adjacent towns, that no minister of any town should be the schoolmaster of the town, and that the grand jurors should present all breaches and neglect of the school laws.

In 1712:—

"Forasmuch as the well educating and instructing of children and youth in families and schools are a necessary means to propagate religion and good manners, and the conversation and example of heads of families and schools having great influence on those under their care and government to an imitation thereof; it is enacted, that none shall keep school, but such as are of sober and good conversation, with the allowance of the selectmen, and, if any person shall be so hardy as to set up a school without such allowance, he shall forfeit forty shillings to the use of the poor of the town."

In 1718, it being found by sad experience that many towns, very able to support a grammar school, chose rather to pay their fines, the penalty was raised to thirty pounds on towns of one hundred and fifty families, forty pounds for two hundred families, and in the same proportion for two hundred and fifty or three hundred families.

In 1767, "whereas, the encouragement of learning tends to the promotion of religion and good morals, and the establishment of liberty, civil and religious," school districts were authorized to levy taxes to defray the charges of supporting schools, in addition to the taxes levied by the towns.

In framing the constitution of 1780, the fifth chapter of that instrument was devoted to the University at Cambridge and encouragement of literature. The second section of that chapter is in these words.

"Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people; it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the University at Cambridge, public schools, and grammar schools in the towns; to encourage private societies, and public institutions with rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good humor, and all social affections, and generous sentiments among the people."

Under this Constitution our common school system has continued to command the frequent attention of the State Government. June 25th, 1789, an act was passed, consisting of twelve sections, and entitled "an act to provide for the instruction of youth, and for the promotion of good education." This act sets forth, that,

"Whereas the Constitution of this Commonwealth hath declared it to be the duty of the General Court to provide for the education of youth; and whereas a general dissemination of knowledge and virtue is necessary to the prosperity of every State, and the very existence of a Commonwealth; it is enacted, that schools be kept in all towns according to the number of families; and in towns of two hundred families, a grammar school; and it is enjoined on all instructors of youth to take diligent care, and to exert their best endeavors, to impress on the minds of children and youth committed to their care and instruction, the principles of piety, justice, and a sacred regard to truth, love to their country, humanity, and universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, and those other virtues which are the ornament of human society, and the basis upon which the republican constitution is structured, and to endeavor to lead those under their care into a particular understanding of the tendency of the before-mentioned virtues to preserve and perfect a republican constitution, and to secure the blessings of liberty, as well as to promote their future happiness; and the tendency of the opposite vices to slavery and ruin."

Several additional acts were passed, from time to time, the essential provisions of which were consolidated, with some alterations, into the Act of 1826, Chapter 143; and afterwards embodied in the Twenty-third Chapter of the Revised Statutes, on which, with a few short subsequent acts, and the original constitutional provision, the school system of Massachusetts now depends.

It is not to be disguised, that the progress of our Common Schools since the Revolution has not kept pace with the advancement of society generally; but, before proceeding to discuss the present state of the system, its defects and the requisite reforms, we trust our readers will indulge us in a few remarks upon the all-important subject of Education itself; upon which, to avoid tediousness, we promise to be brief.

What is education, such education as deserves the name? Not the getting by rote set forms of words which may be altogether barren of profitable fruit; no, nor barely storing the memory with the information of facts, however extensive and useful. An abundant stock of these, judiciously laid in, may doubtless prove of wonderful advantage in the after occasions of life. But education, truly and faithfully accomplished, is the full and well-proportioned development of all a man's physical, intellectual, and moral capacities; such as sends him into the conflict of his earthly probation, a sound mind in a sound body, to fulfil the dictates of a sound heart. Training, aptly administered to this end, fosters and confirms all virtuous dispositions, checks and finally eradicates all unworthy propensities. The scholar learns to scorn ignoble objects of pursuit, and wisely bends his undivided energies, with an ingenuous ardor, to effect the liberal purposes of a comprehensive benevolence. He places his supreme happiness in the solid satisfaction of duty well performed. He knows how to choose the right; and, having made his election, his understanding and all his corporeal faculties, operate in their several functions in due subordination to realize his will. He is nerved for the fight, he can breast himself manfully against every assault, he will triumph victoriously over all opposition, for he feels himself strengthened to every good word and work, both in the inner and outer man. "I call, therefore, a complete and generous education," says Milton, "that which fits a man to perform justly, skilfully, and magnanimously, all the offices both private and public, of peace and war."

Under such instruction he will grow up to understand and realize his position in the universe, and his relations to his fellow creatures, and what it is incumbent on him to be and to do, by virtue of their mutual dependencies. Society has done much for him. It has raised him above the level of the brutes, and he owes to society a return, — a large return, — vastly more than he can ever pay, though he were a Bacon or a Newton, a Lafayette or a Washington; but his inability to repay all does not release and cancel the debt of gratitude.

There is an indefeasible obligation upon every man to do something for the world he lives in. He should ever bear it on his conscience to discharge this duty. With the blessing of God, he should say to himself, "The world shall be somewhat better that I have lived in it." He who does not say this, in sincerity and truth, is no nobler than the beasts that perish. Morally he is beneath them; for they act up to their light, and feel no responsibility for which they are not ready to give an account, while he lives in the daily sense that his part in the world's work is unperformed. While he yields no fruit, he only cumbers God's vineyard; and, when he is cut down, but few will mourn over him.

Far otherwise is it with him in whose daily meditations philanthropy is ever present as a governing principle. Who are the truly useful? To whom is the world indebted for those magnificent benefactions, which have blessed millions and generations, — improvements in government, advancement in religion, and in civilization? To whom are mankind indebted for the noiseless but resistless progress of good principles, whereby greater changes are effected in the condition of the whole human family, than have grown out of the efforts of the mightiest conquerors, or than have followed the most renowned revolutions of empire? To those whose moral education has fixed in their hearts permanent and actuating principles of conduct. There have been men of erudition, whose memories were libraries for the singular benefit of their associates, but whose learning died with them. There have been men of forecast and sagacity unsurpassed, — our own times have witnessed some of them, — who, having no rule of action except their own immediate advantage, have been governed by circumstances, instead of subjecting circumstances to their own control. But those who are widely and lastingly useful, are the men upon the stability of whose moral character reliance can be safely reposed. With such the sense of duty is habitual; and, therefore, even if they cannot boast of uncommon talents, extensive acquirements, or a broad field of action, still, as all their acts have the same tendency, their influence is always in the same direction; and, operating silently and unseen, is the cause of meliorations in the moral tone of society, perceived after a few years by all, but understood while they are going on only by a few reflecting observers. With such, the performance of duty is pleasant, because all their desires are trained to accordance with the moral sense; and they, therefore, do good naturally, and as of course, with less effort and internal struggle than the bad experience when they do evil.

It has sometimes been strangely questioned, whether a popular sound morality might not be the natural offspring of ignorance and delusion, and whether a refined education did not weaken in the soul the sanctions of religion, and relax those bonds which hold together the compact of society. But were it not blasphemy against the God of truth to doubt, that the illumination of the intellect with the radiance of wisdom infuses into the heart the love of virtue? Goodness is the imprint which the sense of truth stamps indelibly upon the character. All noble thoughts are types of noble action. From the contemplation, to the imitation of ideal excellence, the transition is natural and easy. The divine light of moral science sheds a clear distinctness over our true interests, and shows the path of duty marked in a bold outline. Before its purifying beams, all evil thoughts and low desires vanish as the noonday splendor dissipates the mists of the valley. The well-educated man stands before the world the image of his Maker, having attained as nearly as may be to the perfection of his moral nature. He exhibits not merely a speculative but an active virtue, and all beholders are constrained to confess that wisdom is justified of her children.

If indeed the security of the public morality reposed on the public ignorance, if delusion were the palladium of our well-being, miserable would be the condition of humanity; for ignorance is of the earth, earthy, and must soon pass away. But the progress and prosperity of our race rest on no temporary and precarious reliance. When delusion has died of old age, truth will still flourish in eternal vigor. She renews her youth like the eagle. When to mortal eyes she appears vanishing for ever, behold, like the young sun rejoicing in his course, she rises again. She is not of created things, and is, therefore, exempt from their destiny. God's well-beloved daughter knows neither age nor decay. Before the work of creation began, she was with the Father of all things; and, when Time shall have ceased to be, she will stand before his throne, and still bask in the living light of the ineffable presence.

It is not merely poetry, but the ultimate result of all moral argument, that "true self-love, and social, are the same." "This is the foundation of all human wisdom," says Le Père Buffier, "the source from which all virtues, purely natural, flow, the general principle of all morals, and of all human society, that while I live with other men, who equally with myself desire to be happy, I must try to discover the means of increasing my own happiness, by augmenting that of others." Cicero regarded it as the basis of ethics, "ut eadem sit utilitas uniuscujusque et universorum." A higher authority than Cicero has established a whole code of duty upon the maxim, "Do ye therefore unto others as ye would that others should do unto you."

It is impossible, therefore, that the study even of temporary interests should derogate from the just influence of moral principles, at least while conducted on broad and comprehensive views; since there is no contrariety between them, but rather a strict conformity, the more evident as those interests are better understood.

But it is not to be forgotten, that the cultivation of the intellect is but a part, and not the most important part of a good and perfect education.

The preëminent worth of moral cultivation should be strongly impressed on every parent and teacher. With a little care, many salutary precepts may be instilled into the minds of youth, such as shall deserve to be treasured up among the guiding maxims of their lives, and meditated upon as the fundamental principles of practical wisdom. These, being firmly rooted in their memories, will help them to form solid and substantial characters, which in after life will stand the test of every trial. Correct habits must be acquired, the sovereignty of conscience over the whole man must be established, the power of self-reliance must be gained, and the sentiment of independence nourished. Imbued with virtuous principles, and having learned to prize above all price and to preserve at every hazard the testimony of an approving conscience, the youth goes into the world armed at all points. To gird him with this panoply should be the endeavor of his moral education.

Almost the best defence, at least one of the strongest safe-guards of morality, is the feeling of independence. If the world thinks that to be right which you think to be wrong, follow your own opinion, and preserve your self-respect. Consider that you would rather be honorable and despised, than be honored and despicable. If the world holds you in light esteem because it misunderstands your character, every mark of disrespect which it bestows upon you is a certificate of the beauty and excellence of those virtues in which it erroneously supposes you to be deficient. But if the world, while it knows your character, disesteems you, because the principles that regulate your conduct are above the received standard of morality, and it is incapable of appreciating them, retire within your own bosom and enjoy that serene consciousness of rectitude, which can sustain undisturbed the hoarse clamor of popular invective. He who has the fortitude and the constancy to do this, and to go on steadily in the path of duty visible to his eyes alone, experiences not merely that tranquil satisfaction which a sense of obligation fulfilled brings always with it, but a loftier, nobler, prouder pleasure, even the most exalted of which our nature is susceptible here on earth, that unalloyed felicity which is the prerogative of integrity invincible amid allurement or peril. The stern and solemn joy which bore the martyrs triumphant and exulting through their trials, which supported them and gave them the victory over shame and anguish and death itself, is the due reward of original and peculiar virtue, of virtue manifested in spite of temptation, — in spite of what is still harder to be resisted, ridicule, opprobrium, and scorn.

He who is educated as all the youth of a Republic should be, his virtuous dispositions corroborated into fixed habits, his knowledge of his own powers and capacities perfected into a modest but confident self-reliance, his heart steeled with the inflexible determination to guard and preserve unviolated the sanctity of his own self-approval, while an enlightened conscience with a distinct and unequivocal bidding calls him onward and upward in the path of a purer morality, though the blandishments of fashionable example draw him backward and downward with the witchery of sympathy, will never yield to the seduction, nor be disobedient to the dictates of that monitor whose precepts are not set at nought without punishment. He will not follow the multitude to do evil against light and conviction. The mean and cowardly abandonment of principle for precedent, the despicable dereliction of that course, straight though solitary, in which the very instinct of a noble spirit urges him on, never suggests itself to his contemplation as within the range of possible alternatives. He will not sacrifice that pure delight which neither the smiles of the world can give, nor their frowns take away. He will not surrender himself an unwilling and a miserable slave to the tyranny of custom, a servitude which becomes every day more and more intolerable, which exacts compliances still more and more degrading, which never loosens its hold till it has reduced the spirit, created to be free, to a grovelling dependence on the decisions and caprices of others.

With youth so educated, we should have none of that dissipation, without relish, endured, under a secret disgust, for fashion's sake; none of that servility of manners, the corruption engendered in the dotage of feudalism, preposterously imported into the wholesome simplicity of a vigorous republic; no prevarication in business, no equivocation in professions, no cant in criticism, no shuffling in politics, no temporizing in morals, no hypocrisy in religion. We should live in an honest and straight-forward world. Far distant though the dawning of this millennium may be, it is none the less desirable to hasten it onward; and though it were taken for certain, that neither we nor our children should ever enjoy the full fruition of so blessed a state, we should none the less strive for the nearest approach that we can attain to it.

What we may reasonably hope from the diffusion of education, may in some degree be estimated by observing what it is that education has done for us already. It has constituted the essential differences between different men, and also between different nations. It is the correct understanding of his own true interests that makes one man happily virtuous, and it is because he is not thus enlightened that another becomes miserably vicious. In one nation, brutalizing superstition, abject poverty, and veneration for ancient abuses, forbid improvement, and keep the people stationary in the first stages of their natural progress; so that generation after generation drags out its wretched existence, toiling barely to support life and to secure a few of the baser animal gratifications, because no ray of knowledge has pierced the thick darkness which envelopes them, to discover to them any more substantial good, or to enlarge the narrow horizon which limits their experience, their desires, their hopes, and their pleasures; while, in another nation, each succeeding generation, inheriting the full capacity for happiness which its predecessors possessed, opens for itself new sources of enjoyment, till it reaches the most refined and exalted, diffuses their blessings till they become accessible to countless multitudes, and thus purifies their passions, advances them in virtue, and raises them in the scale of moral and intellectual being, because divine science has illuminated their minds, and has shown them the inducement, the means, and the practicability of being happy. One nation grovels in slavery, because it does not know its rights; another preserves but a small portion of liberty, because it knows not how to defend what it has obtained, or to regain what it has lost; while another exults in the unrestrained exercise of its energies, because it knows what freedom is, and knows how to value and to guard it. We have seen, from their legislative declarations, that our fathers were duly sensible of this great truth, and that therefore, anticipating the evils which ignorance would inevitably bring upon their posterity, they established the common-school system, — an institution singularly well calculated to perpetuate general information, — in the hope that we should not suffer the flame of knowledge to expire, but rather keep alive the sacred torch, and hand it down from age to age with undiminished lustre.

To show the whole extent of the change produced by education, and to exhibit it in the most striking light, we might take that bare, forked, unsophisticated animal, the human savage, examine his condition, and mark the slow degrees by which he rises. His instincts are less clear, his senses less acute, his strength, and swiftness, and vigor less extraordinary than those of several of the quadrupeds. Necessity drives him to observe the qualities of things, and to take advantage of such as he can make serviceable to his purposes. Nature seems at first sight to have treated him like a step-son. She sets him down upon the barren waste naked and houseless, yet needing clothing and shelter; without swiftness to overtake the herds that wander over the pastures, or force to conquer, or weapons to defend himself against the fierce monsters that prey upon them; in short, destitute, weak, and helpless. Knowledge gives him clothing, shelter, food, and tools. With tools he constructs machines, with machines he manufactures comforts and luxuries, and with all these he accumulates wealth, for his own future enjoyment, and to bequeathe to his children after him. He establishes governments to protect his life and wealth ; under whose wing he prosecutes his researches and improvements, till he considers him ignorant whom earlier ages would have called wise, and him poor whom the first stages of society would have styled rich.

But, without insisting upon so broad a contrast as that between man sunk in the brutal stupor of absolute ignorance, and man elevated to the highest refinement of Christian civilization, let us consider the effect of the sudden diffusion of information in the latter part of the fifteenth century.

So soon as knowledge began to shed her beams over benighted Europe, the beneficial effect of her influence was apparent. A spirit of innovation, a spirit full of hope, though sometimes ill directed, was abroad before the breaking out of the Reformation. That great convulsion, though it did not free faith, at once, from all its absurdities, and though it, at first, only restored reason to a divided empire, yet delivered the intellect from shackles more galling than any that yet remain ; from venerable superstitions and inveterate prejudices. Those which remain are shaken, and totter, now that so many collateral errors which supported them are overthrown. Those which have sprung up since are temporary, and scarcely to be feared.

The excitement which the discussion of questions, in which every man felt himself so deeply concerned, was naturally calculated to generate, the political considerations with which they were complicated tended still more to heighten. The impulse which the intellect then received, carried it far beyond the intention or expectation of the movers. We can form some idea of its influence by tracing out its ramifications into all the controversies, theological, metaphysical, moral, and political of the present day. We shall not overrate its importance, if we ascribe to it all the superiority which the Protestant nations, as a body, may claim over the Catholic. In learning and in refinement, in wealth and in enterprise, Italy, Spain, and Portugal, in the latter half of the fifteenth century, were in advance of Great Britain, Sweden, Denmark, Prussia, and the other now Protestant states of Germany. But how stands the comparison subsequently ? Their history since that time has been that of the rise of the Protestant, and the decline of the Catholic nations ; and for this no other sufficient reason can be assigned than the comparative freedom of thought and speech in the one, and the repose and constraint of the faculties in the other. But the contrast, startling as it is, does not exhibit the full measure of what we owe to the Reformation. Even the Catholic nations have been compelled in self-defence to cultivate literature and the sciences ; even they have been led to reform abuses, and finally, in a most praiseworthy degree, to practise tolerance ; so that we must pass to the credit of the Reformation not only the superiority of the Protestant nations, but also much that is excellent in the conduct of the Catholics; and whatever good the Reformation may have effected is to be primarily attributed to the diffusion of knowledge among the people.

If we examine the progress which those occupations on which the greater part of mankind depend for their subsistence have made in modern times, we shall find the same cause operating here. Not merely the increase of knowledge, but the diffusion of knowledge generally among the people, has produced most of the phenomena of our present situation.

Agriculture was formerly carried on in so slovenly and improvident a manner, that terrible famines frequently devastated countries, which then contained not half the population they now support in plenty. Those who tilled the soil had no immediate personal interest in the profit or loss of the harvest. The land was in the hands of the hereditary nobility, and there it would have remained, if what, in Europe, are called the lower classes, had continued in ignorance. But since the diffusion of knowledge has brought about the Reformation, the independence and freedom of America, the French Revolution, the downfall of the feudal system, and the consequent improvement in the condition of the laboring classes, agriculture is carried on, in several nations of the world, by those who reap the benefit of the product. It is no longer monopolized by lords, nor cultivated by slaves. In those countries where the land is in the possession of an intelligent and independent yeomanry, it has become a garden of fertility. The dense population of England and of Holland, and the thirty millions of France, import but little food, and yet are better fed in years of scarcity than the scanty and beggarly population of the same countries three centuries and a half ago.

Manufactures also owe their development to the growing importance of the new classes, to whom knowledge has given wealth, and to the influence they have had in altering the habits and wants of the old exclusive proprietors. While the feudal baron lived in his castle, consumed the harvest of his domains to maintain state in his hall, and devoted his surplus revenue, if he had any, to service in the wars, or to quarrels with his neighbors, manufactures were few and simple; but since the class, having numerous wants and ample means of gratifying them, has been so vastly increased, Philosophy has employed herself in the service of the useful arts, the whole force of chemistry has been brought to bear upon the processes of manufacture, and ingenuity now invents more machinery for cheapening and perfecting operations, in a single year, than formerly would have sufficed to be the boast of a whole century. The consequence of this change has been the amazing facility and rapidity with which manufacturing industry multiplies its productions; so that articles, which, fifty years ago, were esteemed luxuries, are now ranked among the ordinary comforts of life, and the daily labor of a working man will now earn for him a reasonable supply of many accommodations and pleasures, which, before the mechanical age commenced, were only within the reach of the wealth of princes.

Internal intercourse, the convenience of travel and transportation, are almost altogether of modern growth. Savages have no roads, and yet without roads it is impossible to make any great progress in civilization. You may have mines of coal in one county, mines of the best iron ore in the next county, and both be useless for want of vehicles and means of transportation. A bad road, such as the roads in Poland at the present day, or such as the best roads in England two hundred years ago, doubles the price of a bulky article, like wheat, in thirty or forty miles' carriage. Of course, with such roads, there could be little traffic. Now, thanks to the genius of Clinton and Fulton, bulky articles, such as pork and flour, are furnished to the consumer, more than a thousand miles from the producer, cheaper than they could be raised in his immediate neighborhood; and the cost is equalized over a whole vast continent. The improvement in travelling is not the least of the miracles which steam has wrought. In 1703, Prince George had occasion to go from Windsor to Petworth, about forty miles. An attendant describes the journey. "We set out at six in the morning, by torchlight, to go to Petworth, and did not get out of the coaches, save only when we were overturned or stuck fast in the mire, till we arrived at our journey's end. 'Twas a hard service for the Prince, to sit fourteen hours in the coach that day, without eating any thing, etc." The rest of the account is equally dismal. Now, by the potent urgency of steam, one rushes from London to Liverpool almost with the speed of the wind. Before the Revolution, the journey between New York and Boston was quite a serious undertaking; now you take your tea in New York, enjoy a night's sound sleep, and breakfast in Boston the next morning.

The transmission of intelligence by letters and newspapers is one of the most remarkable results of modern information. Nothing important takes place in Arkansas or Wisconsin, that is not known, as fast as steam can carry it, from Georgia to Maine. Nearly three thousand newspaper establishments disseminate it, and more than thirteen thousand post-offices forward and distribute it, receiving more than four millions of dollars a year for the postage of letters. These facts could not exist except where the power of reading and writing is universal. Alfred the Great complained, that, from the Humber to the Thames, there was not a priest who understood the liturgy in his mother tongue, and from the Thames to the sea they were still more ignorant. As late as the fourteenth century, Du Guesclin, constable of France, the greatest man in the state, and one of the greatest men of his age, could neither read nor write. Of course, neither Alfred, nor Du Guesclin, nor their countrymen, patronized either newspapers or post-offices; yet how much of civilization is due to the prompt and general intercommunication of ideas, it would be difficult to determine. It is in fact the application of steam to the process of thought, transmitting a train of reasoning commenced in one mind, to be completed in another, though a continent may intervene. The effect of this division of labor, and multiplication of laborers, in the intellectual world, can hardly be overestimated.

While ignorance confined men's views within narrow limits, they scarcely dreamed of appropriating, and bringing into common use, any thing which they must resort to distant countries to obtain. Before science had brought navigation to a higher state of perfection than it ever obtained among the ancients, it could not have ventured across pathless oceans; since the discovery of America, it has changed the condition of the world. It has been the chief source of the great accumulations of capital in modern times; it has been the great promoter of civilization, and has done more than any other agent to bring about that community of interest and of feeling, which is beginning to unite nations in bonds more durable than the fragile treaties framed by jealous politicians. Through its benignant power, the blessings, which Providence had allotted to one region, are participated in by all; and climates, soils, and countries have not been diversified in vain.

The New World has received from the Old the invaluable gift of a noble race of men, more civilized and better informed than ever were colonists before. They came in the fulness of time; they have established here, where they were embarrassed by the obstacles, which still retard the progress of their brethren left behind, those free institutions which are the admiration of mankind, and which keep alive the hope of the almost desponding patriot, who, on the other side of the Atlantic, sends up his ardent aspirations to Heaven that he may enjoy such liberty with such protection. The New World is repaying to the Old, richly repaying, the debt she owes her, by the example she holds out for imitation; an example whose value cannot now be estimated, but which the future philosopher and historian will discuss, as well as record. Not the least brilliant trait in this example is our common-school system, which insures the perpetuity of that wisdom and virtue, which are the only safe foundation of republics, an institution which the Prussian monarchy has not hesitated to adopt, and in some respects improve. Let Massachusetts take heed, that Prussia does not leave her behind in the career of improvement.

The aggrandizement of the whole society, as a body politic, is not now so much the object of good government as to afford the fairest opportunities for the perfection of the individual character. Having observed those momentous revolutions, which the dissemination of knowledge has effected through the world at large, let us study the influence of education upon the individual.

The laws of hygiene having been first obeyed, the objects of education are twofold; to enlighten and instruct the understanding, and to perfect the moral sense and form the heart. The first of these is subordinate in importance, and subsidiary in purpose to the second, because the intellect is only the agent for carrying into effect the determinations of the will. If these determinations are righteous, it will be well for mankind when vigorous and cultivated mental powers are subservient to their sway; if, on the other hand, they are iniquitous, it is a deplorable and a wide-felt calamity, that talents and information should be employed to accomplish them. A bold bad man is an enemy to be feared, and watched, and hedged in on every side. A man possessing and abusing the highest order of faculties, natural and acquired, should be shown less countenance, and command less respect, than an ignoramus or an *imbecile;* for all the deference paid to his formidable eminence is so much homage to the power of evil. Whatever degree of influence is yielded to him, so far the social interests and the public and private virtues are endangered, or, it should rather be said, must necessarily suffer. Knowledge, then, like all other power, may prove a blessing or a curse to him who wields it, and to those who experience its pervading, overcoming strength, operating upon their condition, circumstances, and character.

Knowledge is good or bad, according as it is well or ill used; and how it shall be used depends upon the moral sense, the product mostly of the moral education. We cannot say of a confirmed morality that it is good or bad, according to the amount of knowledge one possesses with it. Morality is good of itself, whether one be well-informed or altogether unlearned. One may hold all the truth in unrighteousness, and deserve the more to be condemned because he holds it; but, if any one does the will of his Maker, if he does always what is just and right, though ignorant and humble and despised, he has chosen that good part of a complete education, which cannot be taken away from him, and without which all the rest of the most finished education that genius could conceive, would be only the worthless adorning of a base, superficial, unsubstantial hollow-heartedness, covered with an outward show of false pretences, but destitute of any fixed, internal, permanent principle of conduct. It follows, that morality is to be regarded as the basis and foundation of the character, and that, to instil into the youthful breast sound moral principles, — principles of benevolence, uprightness, justice, and honor, — and to confirm and guard these principles with such belief, impressions, and habits, as shall make their stability through all possible vicissitudes of life almost infallibly certain, should be the primary object, the grand end and aim, of a well-directed education. In accordance with this design, and as contributing most effectually to secure it, intellectual cultivation should not be neglected; but it must never be forgotten, that the means are valuable only in so far as they conduce to the end, and that knowledge, a treasure above all price in the service of philanthropy, becomes an inexhaustible fountain of woe, when, pressed into the employment of vice, its natural tendency is perverted, and its mighty, effective energies are devoted to the infliction of evil.

These general considerations are quite sufficient of themselves to satisfy us with what fundamental views we ought to set about the education of our children. But perhaps the conclusion to which we have already arrived will be impressed more deeply on our minds, if we examine a little in detail into the ordinary consequences of moral character. Let us cast a penetrating glance through the innumerable varieties of moral disposition and of external circumstances in the world about us, and inquire whose lot and situation are on the whole desirable, and whose are earnestly to be deprecated. It will be easy to decide, whether happiness, usefulness, and genuine wisdom are not uniformly to be found associated with a pure morality. If it is apparent, undeniable, that they are so, let us then ask ourselves, whether we can begin too early, or labor too assiduously, to establish broad, solid, and lasting foundations for a virtuous character.

Who are the truly happy? Whatever be the enjoyments in which we make happiness to consist, it will still be a demonstrable truth, that morality furnishes the only plain and certain road to its attainment.

If we wish to derive from the indulgence of our senses the greatest aggregate of satisfaction they can afford, wealth supplies the means. How can wealth be accumulated? Various as are the expedients of different men, one general rule applies to them all, a rule so universally recognized that it is condensed into a proverb, never doubted by any man endowed with common sense, the rule that "honesty is the best policy."

In the infancy of society, when the right of property was but little respected, the advantage of honesty as a matter of policy merely, to the few who practised it, must have been small, compared to the benefit of a strict adherence to that virtue in times when it is generally practised and universally professed. Still, in the rudest savage state, a code of virtue originates in the necessities of men's situation; simple, yet soon, from its obvious utility, approved by all, and enforced by public opinion. The necessity of good faith in the world was a fact felt to be real as soon as human intercourse began. The heathen nations, though they abandoned themselves to the practice of many gross vices, were so sensible of the beauty and excellence of virtue, that they applauded philosophers who taught a morality almost as strict as that of modern Christendom; and so correct were the decisions of their consciences, as to draw from an Apostle the observation, that the Gentiles being without a law, were a law unto themselves. In the Roman commonwealth, during the earlier period of its history, the sterner, and what may properly be called the more republican virtues, were more severely practised and held in higher honor than they have ever been among any modern nation, from the strong conviction rooted in the breasts of that people of their expediency, or rather their necessity for the gratification of the master-passion, the desire of aggrandizing the Roman power. As society has become more civilized, it has been seen more plainly, that mutual confidence is the only tie that can bind mankind together in communities; and that a general observance of the laws of morality is the only basis upon which mutual confidence can be durably established.

He who acts in defiance of these principles is treated as a common enemy. Such being the consent of all men in civilized society, while they all agree in the grand outlines of general morality, and not only believe, but feel, each one, a personal and immediate interest in their binding obligation, he who contravenes them sets himself in controversy with the rest of his species. He sets himself at war also with universal interests, and with immutable principles. He might as well oppose the order of physical nature, and think to evade the law of gravitation, as attempt to move counter to the elements of civil society; in either case, and just as infallibly in the one as in the other, the result must be his entire discomfiture.

Compare the general results of opposite systems of conduct. Of the artificers of their own fortunes, rarely can one be found who has built himself up by the force of a superior intellect in defiance of the obligations of morality. If here and there you may meet with a single unprincipled and profligate example of undeserved success, who seems to be basking in the sunshine of prosperity, suspend your judgment awhile, and mark well the issue. Almost invariably, some sudden catastrophe, the consequence of his violation of the principles of rectitude, arrests him in his brief career, and overwhelms him with calamity. But of the same class of self-made men, fortunately under our republican institutions a very numerous class, thousands and tens of thousands have risen, not by strength of talents, but by an unexceptionable course of direct and upright dealing in all their concerns. Turn to the other side of the account, and who people our prisons and houses of correction? Men not wanting in talents, but of unbalanced minds, and irregular and defective development of character. Men born with capacities for greatness and goodness, but wrecked and ruined in the outset, because their moral education has been neglected or conducted on false principles. Men mighty to perpetuate evil, to corrupt and contaminate others, but imbecile for virtuous action, because their vilest passions, left unchecked when they should have been subdued, have acquired a vigor and energy which conscience cannot curb nor prudence restrain, and have assumed the complete mastery over their whole nature. The inmates of prisons make rapid progress in all the mysteries of wickedness; yet the ablest of those pupils of sin, once discharged from their dismal abode, are the soonest to return; so little do tact and skill avail an individual in a struggle with the universal interests of society, and so surely do vicious habits and propensities, fastening upon him like an incubus which cannot be shaken off, bear down their victim with a pressure under which he cannot rise. These men employ talents, oftentimes, and exercise an ingenuity and an application, the tenth part of which would have been sufficient to insure success in any prudent course of virtuous enterprise, but which, misdirected by the impulses of a bad heart, earn for them nothing but poverty, wretchedness, and just contempt, and only sink them deeper in the abyss of despair.

Thus much of the influence on our condition in life of moral character, the product of moral education, treating only of extreme cases; yet the majority, who occupy intermediate stations, are subject to the same laws. Among us, few are absolutely destitute without some fault of their own, though multitudes suffer under privations, if not extreme want, who are honest and worthy citizens, or, at least, never guilty of any heinous crime. The distress of far the greater number of these may be justly attributed to the neglect of what some consider to be moralities of lesser obligation, — such as industry, punctuality, and frugality. Though idleness, habitual procrastination, and prodigality, do not ordinarily pass under the denomination of crimes, yet they are morally wrong, and always bring after them heavy punishments. They are, moreover, the most prolific sources of intemperance, and intemperance is the parent of every woe and crime. A correct moral education, therefore, would remove most of the causes of poverty, as well as of much greater evils, by making men industrious, prompt, punctual, frugal, and temperate,

When we speak of the beneficial effect of such an education on the pecuniary circumstances of the next generation, we are far from intimating that there are not other interests involved of much more momentous importance. Heaven forbid that morality should ever be dissevered from religious motives, and debased to a sordid calculation of profit and loss; bereft of that life-giving spirit, which elevates and ennobles it, which extends its sphere beyond the narrow confines of self, and pushes its prospective vision further than time can limit or space can bound.

Wealth is not only fleeting; it is neither the sole, nor the best foundation on which to rest our hopes of happiness, even while it lasts. Respectability of character is of far higher value, and much less likely to be lost through the caprices of fortune. It would be a waste of words to show, that an unspotted moral life must confer respectability, and that respect derived from whatever qualities, without this, must be short-lived and of little worth. Equally self-evident is it, that those who live in the constant practice of moral duty, though wealth and respect should both desert them, have internal resources for consolation of which they cannot be deprived. He who possesses a conscience void of offence is passing rich, whether he has much or little of this world's goods. He who is not afraid to be alone with his Maker, is independent of the smiles or frowns of the world. The sunshine of prosperity, the tempest of adversity, neither seduce nor terrify his steadfast soul. The basis on which his happiness is fixed, the immovable, imperturbable basis of a good conscience, he owes to a good moral education.

For the purposes of such an education as we have described, our common schools are, as yet, it must be confessed, lamentably deficient. The virtuous impulses which swell the heart of this great nation were hardly imparted there. The schools have done much for the intellect, furnishing the rudiments of knowledge, which their pupils have improved afterwards. Indirectly, they have done much for sound morals, because all good learning has a wholesome influence; but their direct action upon moral character has never been all that it should be. Parental instruction and guidance have formed the hearts of this generation; and, where these have been wanting, youth have been left to be the sport of casual associations and accidental circumstances. Of course, in the forming period of life, much must always depend on right beginnings; our reliance is mainly, in the first instance, upon maternal care, and afterwards on both the parents. But the school must not stand neutral; it must be brought forward, and made to fulfil its part, as the most powerful auxiliary.

Universal education, a higher education, such as shall put to shame not past ages only, but the present, must be provided for. The want is felt, and will not longer be endured without a strenuous effort to meet it. The philanthropist, the patriot, and the Christian feel the urgent need of a generous development of the noblest powers and faculties, and the richest affections of our common nature, through that dull mass of humanity in whom they now slumber inert and almost lifeless. The refinement of taste, which, without intellectual and moral cultivation, ends only in elegant imbecility; financial prosperity, which, if not pressed into the service of virtue, may be prostituted to engender corruption; absorbing political interests, which convulse the Union to its centre, and which unhallowed ambition may pervert to the destruction of freedom, all these are insignificant, are as nothing and less than nothing, compared with this paramount necessity. The cry of the age is for true education. Its advent is longed for, and prayed for, and believed in. It seems just bursting above our moral horizon, radiant with knowledge and virtue, shedding light into the understanding, and pouring warmth into the heart, a genial sun whose beams are for the healing of the nations. Glorious visions of future progress, and blessed omens of their coming consummation throng upon the soul, and fill it with comfort and joy, when the evidences of the earnest awakening of mankind, under the vivifying and quickening influences of this bright-dawning era, present themselves to our view.

How is the great work to be accomplished? What are our means of levelling the fortifications, impregnable since the creation of the world, in which ignorance and vice have entrenched themselves? Hope, which was Cæsar's only portion when he went into Gaul; faith in man's high nature and destiny; the ardent enthusiasm which the grand object to be attained inspires; the unquenchable zeal already active, and which will never rest, nor pause, till the victory is achieved, and darkness abdicates her narrowed empire.

It is manifest that the people themselves must be the immediate agents in the revolution. Impressed with its usefulness, aware that the time has come for a seasonable effort, prepared to submit to sacrifices, and determined to overcome difficulties, it is in their power to begin and complete in a few years a wonderful change, extending to the entire regeneration of society. The humblest laborer in the undertaking will reap, in his own personal share of the benefit, an adequate remuneration for all his toil; while the loftiest ambition may well be allured to earn and win the enduring honor of so brilliant and dazzling an enterprise. Ignorance will not fall an easy prey; he has survived many attacks, he has grown old in dominion, he will die with harness at his back; but perish he must, if history teaches any sure lesson, if there be any thing certain in philosophy, if the steady march of improvement be not a dream, if the omnipotence of truth be not a fable, if our kind Father did not create us to be from age to age the bondmen of error. None doubt it, save the stony-ground hearers of nature's teachings, in whose minds the experience of the world is barren of consequences.

When the enlightened and the virtuous fully realize their responsibility in this matter, as the signs of the times convince us they do in some good degree already, public opinion will imperatively demand a more elevated standard of youthful education. A legislative expression of this demand, even if government went no further, would carry with it great weight. Such an expression emanated from the legislature of Massachusetts in the act of April 20, 1837.

By that act a Board of Education was established, having the general superintendence of the common-school system of the State, and required to report to the legislature all their doings, with such observations as their experience and reflection may suggest, upon the condition and efficiency of our system of popular education, and the most practicable means of improving and extending it. Their first annual report was submitted on the 1st of February last, and is now before the public, including the first report of their secretary, in a pamphlet of seventy-five pages.

Individuals may contribute to raise the popular standard of education, by their direct personal influence in society, by written discussions of the subject, in the newspapers and other periodicals, as well as occasional publications, and through the reports of school committees, which are, by the act of April 11, 1838, required to be made annually, "designating particular improvements and defects in the methods or means of education, and stating such facts and suggestions in relation thereto, as in their opinion will best promote the interests and increase the usefulness of said schools," and to be read in open town-meeting, or printed and distributed for the use of the inhabitants. By delivering or promoting public lectures, and by assisting in the formation and management of associations for collecting and diffusing information on the subject, or by coöperating with the Board of Education in its efforts for this purpose, or, though last, not least, by furnishing pecuniary means, the good work may be hastened on.

The act of 12th April, 1837, authorizes an expenditure of thirty dollars for the first year, and ten dollars for every subsequent year, by each school district in the Commonwealth, for the purchase of a district school library. These sums, small as they are, will be found, in the present economy of printing, amply sufficient for the object. In a very few years, they will command a library of more than two hundred volumes, which, if judiciously selected, may be made to contain more profitable and instructive reading than is now to be found within the limits of the district, in at least four-fifths of the whole number now in the State. We speak advisedly upon this point. We have at this moment beside us a pile of from sixty to seventy volumes, selected with a view to this object, mostly duodecimos, of two or three hundred pages; and we know many gentlemen in the learned professions, of good estate, and residing in our large towns, whose libraries do not include half the amount of really valuable matter. It is understood, that a neat edition of fifty volumes, approved by the Board of Education as suitable for common-school libraries, is about to be published and sold at a very moderate rate, plainly and substantially bound, and placed in cases well adapted for convenient transportation, and afterwards to serve as the permanent place of deposit.

It is highly desirable that every school district should avail itself of this provision of the law. These books, being fitted for common use, would pass from the scholar into the family, and increase the interest of parents in the better education of their children, by giving them new views of its value.

Much good might unquestionably be effected by the publication of a periodical journal, of which the exclusive object should be to promote the cause of common-school education. Such a journal, devoted to collecting and diffusing information on this subject, to the discussion of the numerous important questions which belong to it, to the formation of a sound and intelligent public opinion, and the excitement of a warm and energetic public sentiment, might render incalculable service. The Board of Education are decidedly of opinion, that a journal of this description would be the most valuable auxiliary which could be devised to carry into execution the enlightened policy of the government in legislating for the improvement of the schools, and they indulge a most sanguine hope that it will shortly be established under such auspices as will go far to insure its success.

After all, the great work of reformation is to be effected in the schools themselves, and in the qualifications of the teachers more especially. One serious obstacle in the way of this improvement is, the little interest taken by the most enlightened part of the community, we speak it with regret, in the condition of the common schools, from the circumstance that their own children are receiving education in private schools at their own expense. This naturally leads to a remissness and neglect, which can by no means be justified, on the part of those who are most strongly bound by every consideration to concern themselves in the improvement of education. The number of scholars in private schools appears by the returns to be twenty-seven thousand two hundred and sixty-six, while the whole number of children in the State, between the ages of four and sixteen years, stands in the returns, one hundred and seventy-seven thousand and fifty-three. From the nature of our political institutions, these thirty thousand will not control the political destiny of the hundred and eighty thousand thirty years hence, but just the reverse. The five-sixths will fix the standard of taste, of morality, and of general conduct, to which the one sixth will conform, and above which very few only, with infinite labor, can raise themselves. The five-sixths will possess the legislative authority, elect the executive, and thereby fill the judiciary, according to their own notions of expediency and right. They are to have, then, the disposal of property, life, and liberty for their generation, and are so to mould and modify the institutions of their country as powerfully to influence, for good or evil, the generation that shall come after them. Could they be left, as happily they cannot be, to grow up in political and moral profligacy, in the unrestrained indulgence of their bad passions, an individual, or a class of men, of superior wealth and education, would be merely at their mercy, a feather upon a stormy sea. No man is independent of the public immediately about him. He is elevated by its good influences, even though his early education was defective. He is debased by the daily spectacle and contact of debasement, and, though fitted for better things, generally sinks into the surrounding mass of corruption. If there be any who are deaf to the voice of patriotism, philanthropy, and duty, let them at least regard the welfare of their own offspring. The public opinion of our times is the moral atmosphere which we all breathe in common. If it be wholesome, it invigorates and sustains us; if poisonous, we all languish, and the feeble perish. How imperative the obligation, and grateful the task to preserve its purity; how fatal its contamination, and how censurable is their supineness through whose fault we are put in peril.

We are all embarked in one bottom, and must sink or swim together. Will not the sharp-sighted look to it, that the ship be sea-worthy and preclude betimes avoidable dangers?

The amount paid for tuition in private schools, for one-sixth of the children of the State, is three hundred and twenty-eight thousand dollars; while the amount raised by taxes for the education of the other five-sixths in public schools is four hundred and sixty-five thousand, and the amount voluntarily contributed to the public schools is forty-eight thousand dollars. If these sums were added together, and the whole eight or nine hundred thousand dollars were judiciously applied to common-school education, it cannot be doubted, that all the children might receive a higher order of instruction than now falls to the lot of the favored sixth part.

The value of the annual products of the industry of Massachusetts is about one hundred millions of dollars, of which less than one per cent. is appropriated to the education of children, and less than ten per cent. is saved at the end of the year to be added to previous accumulations which form the permanent capital of the State. If two per cent. of this annual product were devoted to education, is it not probable, that the product itself would be greatly enlarged, and a better economy introduced into the expenditure of it, so that this addition to the permanent capital might be much more rapid? We do not doubt, that the best education within the power of every town in this Commonwealth would in thirty years' time double the rate at which wealth increases.

If private schools were discountenanced, and those who now support them would turn their attention to the improvement of our common schools, the additional funds turned into this channel would be but a small part of the benefit derived from the alteration. Those who set the highest value on education, and are determined at all costs to secure its blessings to their own children, instead of standing aloof from the general concerns, as too many of them now do, would be foremost in their zeal for the district schools, acting on committees, visiting the schools, selecting the teachers, advising and assisting them, contributing to their support, and to the erection of better houses, and the purchase of better furniture, apparatus, and libraries. There would also be thrown into the district and town schools a class of scholars more thoroughly educated already at the private schools, whose example would give a quickening impulse to emulation; and, as those parents who have been willing to pay for private tuition are generally those who take most pains with their children at home, these children would continue to impart a good influence to the rest of the school, even after the immediate effect of the first infusion. A combined effort will produce a wonderful improvement. The district school in the central village of the town will no longer be, as it often is, the poorest in its whole territory, but it will be elevated to the rank of a model for the rest, and they will all gladly profit by the opportunity for imitation.

As soon as those who have withdrawn their children, because they were dissatisfied with the character of our common schools, come again to take a personal interest in their prosperity, there will be an active demand for better teachers. As soon as the fund now diverted to private schools is restored to this legitimate purpose, the means will be at hand for commanding the services of a higher order of teachers. It is notorious, that the small compensation paid in our public schools will not, as a general fact, induce men of talents and learning to take charge of them. The best instructors seek higher salaries in the private schools. But additional compensation will draw them back into the public service. The private schools, which would be surrendered for an energetic reform in the whole system, would in part supply the demand for better teachers. But there are in Massachusetts only eight hundred and fifty-four private schools and academies, while the aggregate number of teachers, male and female, employed in the public schools, either in summer or winter, is five thousand nine hundred and sixty-one. Besides, academies for the instruction of such youth as wished to pursue the higher branches of learning, after completing the first stages of their education in the common schools, would not be diminished in number, though they would certainly be increased in excellence and efficiency, by the proposed reformation. Nor is it to be disguised, that many private teachers are no better qualified than those now employed by the public, so that there still remain considerably over five thousand instructors to be properly qualified for their task. It is obvious, that an extensive demand for well-educated teachers cannot at present be satisfied; there is no supply; but there must be a supply provided, and that forthwith.

We most cordially concur in the remarks of the Reverend Dr. Channing, in his address at the Odeon, on the 28th of February, 1837.

"We need an institution for the formation of better teachers; and, until this step is taken, we can make no important progress. The most crying want in this Commonwealth is the want of accomplished teachers. We boast of our schools, but our schools do comparatively little, for want of educated instructors. Without good teaching, a school is but a name. An institution for training men to train the young would be a fountain of living waters, sending forth streams to refresh present and future ages. As yet, our legislators have denied to the poor and laboring classes this principal means of their elevation. We trust they will not always prove blind to the highest interest of the State.

"We want better teachers, and more teachers, for all classes of society, for rich and poor, for children and adults. We want that the resources of the community should be directed to the procuring of better instructors as its highest concern. One of the surest signs of the regeneration of society will be, the elevation of the art of teaching to the highest rank in the community. When a people shall learn, that its greatest benefactors and most important members are men devoted to the liberal instruction of all its classes, to the work of raising to life its buried intellect, it will have opened to itself the path of true glory. This truth is making its way. Socrates is now regarded as the greatest man in an age of great men. The name of *king* has grown dim before that of *apostle*. To teach, whether by word or action, is the highest function on earth.

"Nothing is more needed, than that men of superior gifts and of benevolent spirit should devote themselves to the instruction of the less enlightened classes in the great end of life, in the dignity of their nature, in their rights and duties, in the history, laws, and institutions of their country, in the philosophy of their employments, in the laws, harmonies, and productions of outward nature, and, especially, in the art of bringing up children in health of body, and in vigor and purity of mind. We need a new profession or vocation, the object of which shall be to wake up the intellect in those spheres where it is now buried in habitual slumber.

"We want a class of liberal-minded instructors, whose vocation it shall be, to place the views of the most enlightened minds within the reach of a more and more extensive portion of their fellow creatures. The wealth of a community should flow out like water for the preparation and employment of such teachers, for enlisting powerful and generous minds in the work of giving impulse to their race.

"Nor let it be said that men, able and disposed to carry on this work, must not be looked for in such a world as ours. Christianity, which has wrought so many miracles of beneficence, which has sent forth so many apostles and martyrs, so many Howards and Clarksons, can raise up laborers for this harvest also. Nothing is needed but a new pouring out of the spirit of Christian love, nothing but a new comprehension of the brotherhood of the human race, to call forth efforts which seem impossibilities in a self-seeking and self-indulging age."

The legislature of the present year are fully impressed with the necessity of a provision for the education of school teachers, as appears from the Report of the Committee on Education, read in the House on the twenty-second of March last, and accepted, carrying with it an appropriation of ten thousand dollars, with the most gratifying unanimity. They thus express themselves, in language becoming our ancient Commonwealth: —

"That the highest interest in Massachusetts is, and will always continue to be, the just and equal instruction of all her citizens, so far as the circumstances of each individual will permit it to be imparted; that her chief glory, for two hundred years, has been the extent in which this instruction was diffused, the result of provident legislation, to promote the common cause, and secure the perpetuity of the common interest; that, for many years, a well grounded apprehension has been entertained, of the neglect of our common schools by large portions of our community, and of the comparative degradation to which these institutions might fall from such neglect; that the friends of universal education have long looked to the legislature for the establishment of one or more seminaries devoted to the purpose of supplying qualified teachers for the town and district schools, by whose action alone other judicious provisions of law could be carried into full effect; * * * that, although much has been done within two or three years, for encouragement of our town schools by positive enactment, and more by the liberal spirit, newly awakened in our several communities, yet the number of competent teachers is found, by universal experience, so far inadequate to supply the demand for them, as to be the principal obstacle to improvement, and the greatest deficiency of our republic."

The views of the Board of Education on this point are substantially those of the legislature. They remark in their Report of February last, that it is matter of too familiar observation to need repetition, that there are all degrees of skill and success on the part of the teachers; nor can it be deemed unsafe to insist, that, while occupations requiring a very humble degree of intellectual effort and attainment demand a long-continued training, it cannot be, that the arduous and manifold duties of the instructor of youth should be as well performed without, as with, a specific preparation for them. In fact, it must be admitted, as the voice of reason and experience, that institutions for the formation of teachers must be established among us, before the all-important work of forming the minds of our children can be performed in the best possible manner, and with the greatest attainable success.

In those foreign countries where the greatest attention has been paid to the work of education, schools for teachers have formed an important feature in their systems, and with the happiest result. The art of imparting instruction has been found, like every other art, to improve by cultivation in institutions established for that specific object. New importance has been attached to the calling of the instructor by public opinion, from the circumstance, that his vocation has been deemed one requiring systematic preparation and culture. Whatever tends to degrade the profession in his own mind, or that of the public, of course, impairs his usefulness; and this result must follow from regarding instruction as a business which in itself requires no previous training.

A well-timed act of noble, public-spirited munificence on the part of an individual, in the donation of ten thousand dollars towards the establishment of Normal Schools, led to the appropriation, on the part of the State, of the same sum, for the same purpose, by the Resolves of the 19th of April, 1838, resolves fit for the anniversary of the battle of Lexington. It is understood that the Board of Education, at their annual meeting in the last week of May last, determined to take immediate measures for the establishment of one or more Normal Schools; and we are happy to learn, that measures are now in train with every prospect of success, and that the most liberal spirit of coöperation is manifested in more than one section of the State; so that a beginning will no doubt soon be made in the great enterprise of preparing adequate teachers for our common schools.

"Wherever the discharge of my duties has led me through the State, with whatever intelligent men I have conversed, the conviction has been expressed with entire unanimity," says the Secretary of the Board, "that there is an extensive want of competent teachers for the common schools." School committees allege, in justification of their approval of incompetent persons, the utter impossibility of obtaining better for the compensation offered. Yet it is often urged, that it would be useless to attempt to educate teachers, because the compensation is too small to induce young men of talents into the profession, or to justify an expense of time and means in preparing for it. This objection is, to some extent, plausible; yet there are some obvious considerations which serve for an answer.

1. Educate teachers, and the compensation will be increased. If you furnish better teachers for the public schools, private schools will be discontinued, and leave at liberty a fund for public teachers. The average wages per month of the public teachers, including board, are for males, twenty-five dollars and forty-four cents, and for females, eleven dollars and thirty-eight cents. Substract board at two dollars and fifty cents a week for males, and one dollar and fifty cents a week for females, and we have fifteen dollars and forty-four cents for the male teachers, and five dollars and thirty-eight cents for female teachers, exclusive of board. If one half of the private schools were discontinued, and the expenditure of one hundred and sixty-four thousand dollars transferred to the public schools, this addition would raise the wages of teachers, exclusive of board, to twenty-five dollars for the males, and nine dollars for the females per month, unless the time of keeping school were lengthened.

2. If female teachers can be educated in the most perfect manner, they would be employed with great advantage in many of the schools

now kept by men. There are two thousand three hundred and seventy male teachers employed in the public schools. Suppose females, at nine dollars a month, exclusive of board, to take the places of one half this number, a fund will remain sufficient to raise the wages of the remaining twelve hundred teachers, from twenty-five to forty-one dollars per month, exclusive of board, or at the rate of four hundred and ninety-two dollars a year, which we do not hesitate to say, as an average price for the whole State, is quite high enough to secure the services of gentlemen every way competent, in the business of teaching as a permanent profession. It is not necessary, then, that the public should raise a dollar more than they now do, unless they wish the schools to be kept a longer time. What the public now pay will enable them, by returning patronage from private to public schools, and by employing a larger proportion of female teachers, to offer such a compensation as will not only procure an adequate supply of well-educated young men and women for the profession, but even cause a competition among them for employment, instead of the difficulty now experienced by committees to find one competent candidate by long and diligent inquiry.

3. The calculation does not stop here. It is true economy to buy an article that is worth your money, and many have been ruined by buying cheap pennyworths in education no less than in trade. A good master will teach and benefit a school more in two months, than a master poorly qualified in a year. It will be found much cheaper to employ the best teachers. A boy kept till he is eighteen in an ordinary district school, and then sent for three years to a common country academy, is not so well fitted for active life at twenty-one, as every boy might be at sixteen in such a school as ought to be kept in every district in the Commonwealth, and well might be, if we had our essential Normal schools in full operation. Whoever, therefore, will be still content to give his son no better education than we have mentioned, may have it at less than the present cost, by employing the best teachers, and his son produce an income, instead of requiring an expense, for the last five years of minority. But he who gives his children a comparatively superior education in the present state of things, would not rest satisfied till he had educated them in the same degree above the improved standard. And, in so doing, he would not depart from the strictest economy; for an enlightened community produces and accumulates wealth faster, in a vastly greater ratio, than the proportionate additional cost of their education. A million of dollars a year, judiciously applied to the improvement of young heads and hearts, for the next thirty years, would not merely be refunded, but the State would be much more than thirty millions richer in visible property at the end of the period.

But we are tired of reducing the riches of the soul to a metallic standard. Though in this trading, and banking, and speculating generation, in which even a steam-engine ciphers, and keeps its reckoning of loss and gain, such a course of ratiocination may be necessary to gain the good cause a hearing with a class of matter-of-fact philosophers, yet to us it has always seemed to be almost in the spirit of the question of the Adversary, a question full of devilish wisdom, "Doth Job fear God for nought?" At least, it savors too much of the temper of that member of the British parliament who said to John Howard, "I don't doubt you get well paid for all your trouble." Is there then nothing worth having, except what is equivalent to money? Yes, there is much; but those who realize how much, are strong upon our side already, and have no need to be converted. We join issue, therefore, with those, a part of whose creed it is, that the promises held out by education ought to be redeemable in specie; and we say to them, if they will pause and lend an ear a moment, that it is not enough that their children should be intelligent and virtuous, even if that were possible in the neglect of all others, but their neighbors' children must possess intelligence and virtue also, or their own children must pay for the deficiency, aye, pay for it specifically in money. The question is, whether it is not both cheaper and pleasanter to pay through the school committee than through the overseers of the poor, to support schools than jails, teachers than executioners, and to build writing-desks than gallows.

The Rev. Dr. B. Forde, for many years the Ordinary of Newgate, remarks, in his hints for the improvement of the police, "The ignorance of the inferior classes of society is the first and great cause of the multitudinous depredations which are daily and nightly committed. Idleness is the second. First, public schools, under the care, control, and inspection of a zealous parochial committee, ought to be established throughout the whole kingdom, if possible; in which religion, morality, and a moderate degree of learning, should be taught to the poor, free of every expense. Second, work ought to be provided for the industrious."

Sir Richard Phillips, Sheriff of London, says, that on the memorial addressed to the sheriff by 152 criminals in Newgate, 25 only signed their names in a fair hand, 26 in an illegible scrawl, 101 were *marksmen*, signing with a cross. Few of the prisoners could read with facility, more than half could not read at all, most of them thought books useless, and were totally ignorant of the nature, object, and end of religion.

The same phenomenon presents itself in all American prisons. The eleventh of the admirable reports of the Prison Discipline Society gives these facts, which might be multiplied almost indefinitely. In Connecticut, no convict ever sent to the State prison had a liberal education, or belonged to either of the learned professions. One half were unable to write, and one sixth to read. Of the 66 convicts of 1835, the crimes of only four required for their commission ability either to read or write. In Auburn prison, of 228 convicts in 1835, 3 had an academical education; 59 could read, write, and cipher; 56 could read and write only; 50 could read only; and 60 could not read. In the New Penitentiary in Philadelphia, of 217 prisoners received in 1835, 63 can neither read nor write, 69 can read only, and 85 can read and write, but most of them very indifferently. The Chaplain of the Ohio Penitentiary remarks: "Not only in our prison, but in others, depraved appetites and corrupt habits, which have led to the commission of crime, are usually found with the ignorant, uninformed, and duller part of mankind. Of the 276, nearly all below mediocrity, 175 are grossly ignorant, and, in point of education, scarcely capable of transacting the ordinary business of life."

Such is the universal testimony of all competent witnesses. "*Poor ignorant creatures, Sir*," said a jailer to Leigh Hunt, in that phrase giving a general description of all his prisoners.

Dr. Forde was right in supposing that good public schools would be the best remedy for the prevalent disposition to crime. A comparison of Scotland with England and Ireland shows this very forcibly. Mr. H. Fielding stated, that "during the number of years he presided in Bow Street, only six Scotchmen were ever brought before him; but the greater part of the persons committed were of the sister island, *where the natural dispositions of the people are quite as good*, but the system of education is neither so strict nor so generally adopted as in Scotland." Mr. Hume stated, "that one quarter session for the single town of Manchester sent more felons to the plantations, than all the Scotch judges do for ordinary in a twelvemonth." Lord Justice Clerk, in an address to the lord provost and magistrates of Glasgow, in 1808, took occasion to observe, that the commitments for criminal offences in England and Wales exceeded four thousand a year, a number nearly equal to all the commitments in Scotland since the union. If his lordship was astonished at four thousand commitments in a year, for England and Wales, we know not what opinion he would form of the present state of crime there. We have before us the official return of criminals for 1837, made up at the home department on the last day of January; and as this document is not within the reach of most of our readers, we give the facts bearing on this point, prefixing a few years for comparison, to show the progress of crime.

The number of persons committed or bailed in England and Wales, was,

In 1828,	16,564
1829,	18,675
1830,	18,107
1831,	19,647
1832,	20,829
1833,	20,072
1834,	22,451
1835,	20,731
1836,	20,984
1837,	23,612

Giving an average for the last four years of 21,944 commitments in one year, — a most melancholy fact.

For a comparison between the three kingdoms, we give one year. In 1834, there were committed or bailed,

		Sentenced to Death.	Executed.
In England and Wales,	22,451	480	34
Ireland,	21,381	197	43
Scotland,	2,711	6	4

In Ireland education is most neglected; the gibbet takes account of it. Beccaria, in 1767, predicted, that the punishment of death would not survive that happy period, "when knowledge instead of ignorance shall become the portion of the greater number."

To show the effect of ignorance in the production of these crimes, we give the degrees of instruction of offenders for 1837; and, to prove the gratifying fact that the proportion of educated offenders diminishes, we give the per centage of each class for 1836 and for 1837.

	Male.	Female.	1836.	1837.
Whole number of commitments,	19,407	4,205	——	——
Unable either to read or write,	6,684	1,780	33.52	35.85
Able to read and write imperfectly,	10,147	2,151	52.33	52.08
Able to read and write well,	2,057	177	10.56	9.46
Instruction superior to mere reading and writing well,	98	3	0.91	0.43
Instruction could not be ascertained,	421	94	2.68	2.18

Of all the criminal offenders, therefore, be it remembered, less than one half of one per cent. have received any education beyond reading and writing. There were 358 offenders of twelve years or under, and more than half of these young sinners were totally uninstructed.

Lord Justice Clerk, having noticed the inferior number of criminals in Scotland, proceeds to say, that, supposing his calculation to be accurate, it calls upon us for very serious reflection to discover the causes of this proud inferiority.

"I think we have not far to look," says his Lordship, "for the causes of the good order and morality of our people."

"The institution of parochial schools, in the manner and to the extent in which they are established in Scotland, is, I believe, peculiar to ourselves; and it is an institution to which, however simple in its nature and unobtrusive in its operation, I am persuaded we are chiefly to ascribe the regularity of conduct by which we are distinguished. The child of the meanest peasant, of the lowest mechanic in this country, may, and most of them do, receive a virtuous education from their earliest youth. At our parochial schools, they are not only early initiated in the principles of our holy religion, and in the soundest doctrines of morality, but most of them receive different degrees of education in other respects, which qualify them to earn their bread in life in various ways; and which, independent even of religious instruction, by enlarging the understanding, necessarily raises a man in his own estimation, and sets him above the mean and dirty crimes to which the temptations and hardships of life might otherwise expose him."

"The early establishment of parochial schools, etc. * * * have unquestionably raised the character and improved the condition of the lower orders in Scotland, have arrested the progress of vice and idleness, and have rendered the maintenance and management of the poor a comparatively easy task, and a work of real benevolence."

In twenty-two years from 1750, there were 116 executions in the Midland counties, 117 in the Norfolk circuit; and in twenty-two years from 1749, there were 678 in London, or about *thirty* per annum; while in Scotland, as near the same period as we can ascertain, they averaged less than *four* per annum.

A great law authority, Chief Justice Fortescue, assigned a very different reason for the disgraceful superiority in number of the English executions in his time. "More men are hanged in Englonde in one year," says he, "than in Fraunce in seven, *because the English have better hartes:* the Scotchmenne likewise never *dare* rob, but only commit larcenies." Upon this, the Rev. Francis Wrangham very fairly remarks, "True; they are taught the terrors of the Lord, and eschew evil." We attach more weight to the remark of Dr. Currie, than to that of the old English judge. "A majority of those who suffer the punishment of death for their crimes, in every part of England, are, it is believed, unable to read or write," says Dr. Currie; he might have said, nearly all of them, instead of a majority. "A slight acquaintance with the peasantry of Scotland," says the doctor, "will serve to convince an unprejudiced observer, that they possess a degree of intelligence not generally found among the same class of men in the other countries of Europe. In the very humblest condition of the Scottish peasants, every one can read, and most persons are more or less skilled in writing or arithmetic, and have obtained a degree of information corresponding to these acquirements."

The Scotch school system was originated by an act of King James the

Sixth, of the 10th of December, 1616, four years before the landing of the Pilgrims, and ratified by an act of Charles the First, 1633; but the first effectual provision was by an act of 1646, for the first time compelling the assessment of a tax and payment of a master's salary, in every parish in the kingdom, for the express purpose of educating the poor; "a law," says the enthusiastic Scotch writer last quoted, "which may challenge comparison with any act of legislation to be found in the records of history, whether we consider the wisdom of the ends in view, the simplicity of the means employed, or the provisions made to render these means effectual to their purpose." This excellent statute was, of course, repealed on the restoration of Charles the Second, in 1660; but it was reënacted in 1696, in precisely the same terms, and is the basis of the present system, the noble legacy of the Scottish Parliament. Its effect on national character may be considered to have commenced about the period of the union, 1707, and, with the peace and security arising from that event, to have produced the extraordinary change in favor of industry and good morals, which the character of the common people of Scotland has since undergone.

The school system has not operated differently in Scotland from its uniform effect wherever it has been tried. Holland, Prussia, and the Pays de Vaud, the best educated countries in Europe, are also the most moral. Prussia, which has carried her common-school system to higher perfection than any other nation, is remarkably free from crime. For seventeen years, ending in 1834, according to the statement of Herr Von Kampz, the executions in Prussia were 123; in 1832, 1833, and 1834, there were only *two* in each year, and the average number of murders in a year was *seven and one third*. Prussia has a population of 13,566,897, according to the Weimar Almanac for 1837. These numbers, therefore, are much smaller in proportion to the population than in Massachusetts; lesser crimes, it is believed, are proportionally rare in Prussia.

To show how great has been the influence of the school establishment of Scotland on the peasantry of that country, it is only necessary to revert to the description given by that true-hearted patriot, Fletcher of Saltoun. In the year 1698, he declared, that "There are at this day in Scotland two hundred thousand people begging from door to door. And though the number of them be perhaps double to what it was formerly, by reason of this present great distress, (a famine then prevailed,) yet in all times there have been about one hundred thousand of these vagabonds, who have lived without any regard or subjection either to the laws of the land, or even those of God and nature." He then ascribes to them abominations too vile to be quoted; and goes on to tell us, that no magistrate ever could discover that they had been baptized, or in what way one in a hundred went out of the world. They lived in promiscuous incest, and were guilty of robbery, and sometimes murder. "In years of plenty," says he, "many thousands of them meet together in the mountains, where they feast and riot for many days; and at country weddings, markets, *burials*, and other public occasions, they are to be seen, both men and women, perpetually drunk, cursing, blaspheming, and fighting together."

This is no true picture of Scotch life now. In less than half a century from Fletcher's time, common schools had softened this savage race, and in less than a century transformed them into the most moral and orderly people in Europe. There are few beggars in Scotland; there are no poor rates in Scotland; while in England every eighth or ninth man is a pauper, and the poor rate for forty years has consumed some five or six millions of pounds sterling a year. In Scotland the wages of labor maintain the laboring classes; in England they are inadequate by an alarming deficiency. In Scotland they have fewer crimes, and those which occur are less malignant. In 1834, the proportions were as follows: —

	Sentenced to Death.	Executed.	Sentenced to Transportation for Life.	14 Years.	7 Years.
In England,	480	34	864	688	2,501
Scotland,	6	4	30	47	195

These are the points of difference. England saves the expense of public schools, and the saving costs her fifty millions of dollars a year in courts, prisons, penal colonies, and poor rates, not to reckon ruined hopes, broken hearts, blasted characters, and the wretchedness of tens of thousands living in shame and agony, a living death, whom free schools would have brought up to honor and happiness and a useful life. England has left the public morality to take care of itself, and the comment is heard in groans and written in blood.

We will go into no further argument to prove that education is cheaper than ignorance; and that the most rigid economy, so that it be not stone-blind to consequences, would dictate a liberal expenditure for the preservation and elevation of the public morals, and for the exercise, development, and wholesome sustenance of the public intellect. Nor will we waste a word upon the self-evident proposition, that our education will operate beneficially in proportion as it is perfected. It must be perfected, and that by providing better teachers.

The Normal school must begin with females, because there is more unappropriated female talent than can be brought into action; because females can be educated cheaper, and, in the first instance, quicker and better, and will teach cheaper after they are qualified; because the primary schools, which properly belong to females, are in the worst condition, and need most to be reformed, and because, by reforming these, we thereby improve all the higher schools. By raising up the foundation, we necessarily raise the superstructure. An improvement in the rudiments of education, among children of from four to ten years of age, would be felt through all the schools, as these young scholars passed into higher classes. The public would perceive the benefit, and enter with alacrity into the measures necessary to carry out a thorough reformation.

Let the high work, so auspiciously commenced, go on steadily to its glorious consummation. Let Massachusetts, which for two hundred years has led the way in the cause of good learning, suffer none to go before her now. Let her still bear aloft the torch which others will be proud to follow. While others emulate her bright example, she will have contributed largely to that mighty movement, which is to enfranchise and to bless the world.

THE EDUCATION OF A FREE PEOPLE.*

"The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic; to protect it; and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life; and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness."

The Constitution of the Commonwealth of Massachusetts begins with these words. They are sufficiently explicit to express the American idea of the purpose of government; but a shorter definition occurs in the seventh article of the Bill of Rights. "Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people." Of the entire correctness of this sentiment, fortunately, there is, among us, no difference of opinion.

The letter issued by the unanimous order of the Convention which framed the Constitution of the United States, dated September 17th, 1787, and bearing the signature of George Washington, President of the Convention, announces another fundamental principle, equally well established with the former. It is this: —

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* The introductory Discourse, delivered before the American Institute of Instruction, at their annual meeting, in 1839.

"Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision, the line between those rights which must be surrendered, and those which may be reserved."

It is agreed then, on all hands, that the object of government is the common good, and that this object can never be accomplished without the mutual surrender of a share of liberty.

We hence deduce two perfect and unexceptionable tests, by which we may determine the comparative degrees of excellence of all former or existing governments.

1. That government is best, which most effectually secures the common good; and provides for the protection, safety, prosperity, and happiness of the people.

2. That government is best, which works out these results with the least possible sacrifice of individual liberty.

No government ever did, or ever can, answer either of these conditions except where the great mass of the people are well and highly educated.

Look, for a moment, at that rude form of government which exists among savages. Its objects are but very imperfectly secured, and yet this result, unsatisfactory as it is, must be purchased by an almost total sacrifice of individual liberty. There is no more arbitrary, irregular, and capricious despotism in the world, than that of the chief of a horde of the most ignorant and brutalized savages. And yet what equivalent do these miserable creatures receive for this surrender of their rights? They suffer in unmitigated slavery; the complex arrangements by which civilized men provide for the security of the person, liberty, character, and property, are not only out of their reach, but beyond their conception. Their very life they hold at the mercy of a tyrant. They have absolutely no guarantees, and with all the evils of despotism, they endure also most of the plagues of anarchy.

Among barbarians, there is to be found a class, small in numbers, but strong in the exclusive possession of knowledge, better informed, and more refined than the rest. These influence and humanize the action of the government, even where its form continues to be a pure despotism. There are fewer gratuitous outrages. Its action becomes more regular, and steady, and subject to fixed laws. However it may invade the rights or trample upon the happiness of the people for its own aggrandizement, it sternly suppresses the violence of others, protects the weak against all the strong except itself, the strongest, and does justice between man and man, reserving to itself the monopoly of injustice.

But among civilized nations, intelligence being more widely diffused, a larger portion of mankind press forward, to have a share in the government of themselves, and to try whether they may not better provide for their own prosperity and happiness, and at the expense of a less sacrifice of individual liberty. Their number daily multiplies, and they press forward with efforts continually renewed.

The object of all effort is change. We labor to produce some modification of matter conducive to our own gratification, some improvement in the character, or conduct, or relations of other men, or some melioration of our own individual character or circumstances.

The consciousness of the ability to affect the course of events, to influence opinion, feeling, and action, and to exercise a larger share of control over the fortunes of ourselves and our fellows, is a pleasing consciousness. The desire to possess and employ this ability springs up in every breast, and can never be eradicated, though under right guidance it can be subjected to the wisest and the holiest purposes. Often it has spread desolation over provinces and kingdoms; often it has gone forth upon its errand of mercy, unappalled by danger, unsubdued by suffering. For good, or for evil, as philanthropy, or ambition, it exists everywhere, and is forever active. The love of power is an instinct of our common nature. Developed in widely different forms, according to the various influences to which we are exposed, it is none the less a universal passion. The love of honor, and of official station, the love of fame, the thirst for knowledge, the craving after wealth, are some of the phases which this passion assumes. Obedient to its impulses, intellect and energy have ruled the world, and the world's history hereafter is to be determined by the disposition of this passion in the rising generation and their posterity.

Never was the love of power before so active as in the present age. It is the leaven with which the world ferments. Never before was there such a heaving of the whole mass. The signs are ominous of change. Millions are possessed with the determination, before confined to a few thousands, to make their will felt in the management of their common interests. The many choose to take their joint concerns out of the hands of the few, who have hitherto monopolized both the power, and the profit, as well as the glory of government, and it is to be settled whether a majority cannot administer its affairs more according to its own liking, and with greater ultimate benefit, by understanding them and directing them, than by intrusting them to a small minority, in whom, by the very trust, is created an interest adverse to the general good, an interest to fatten on the plunder so improvidently placed within its grasp. The blind and unconditional surrender by the multitude, of their fortunes, rights, and lives, to be sported with at the pleasure of their masters, seems to be drawing to an end in every civilized country.

In all rational calculations of advantage from this mighty change, the most momentous of the revolutions in their political condition that mankind have undergone, our own example is, and long must be, an essential element. A fact is worth more than a whole volume of speculations. One successful issue is better than a thousand untried theories.

A high, peculiar trust, devolves upon the people of the United States of America. The grand experiment of self-government is on trial here, for the whole world and for all time. While all mankind are their spectators, it behoves the actors to conduct with dignity. While the destiny of countless future generations may be vitally affected by the result, we have no right to neglect any disposable means of success. We are answerable, for the fate of free institutions in the present age, not merely for sixteen millions of men, but for the race. We are responsible, and posterity will hold us accountable, for the prospect of the cause of liberty after we have left the stage. If that bright futurity into which young hope looks forward be overclouded by our fault, how deep and just the condemnation that must fall upon us. But if the path of freedom be illuminated with the lustre which a faithful performance of our duty will shed over it, all that walk therein will call us blessed. Let us be but true to ourselves, and to our world-voiced vocation, and we shall win and wear the undying glory of the victory over ignorance, over vice, over misery, and over slavery. If this victory, by God's grace be once achieved, the great warfare is forever accomplished. The power of evil flies to the abyss, and plunges into genial and eternal darkness. Joy courses round the world with the tidings of his downfall, and the gratitude of redeemed millions hails his vanquishers, the guarantors of human happiness, the fathers of a new order of ages.

Upon us, as a people, rests the fulfilment of these splendid destinies. Upon our capacity for the improvement of advantages never before vouchsafed to any portion of the children of men, depends the issue of man's history. Universal education will determine this capacity. The refined product of that education, our literature, will everywhere communicate the results, and teach the practical lessons involved in our experience.

Governments represent the elements of power which exist in society previously to their formation. Physical force, intellectual supremacy, moral influence under different names, and the power of wealth, each has heretofore claimed its share in the control of the body politic. As one or the other of these ingredients predominates, the government assumes that mode of being and action which most naturally expresses, receives, and conveys, the impulses of the several pre-existing active interests which created and sustain it; it may be military despotism, hierarchy, feudalism, plutocracy, or any mixed influence of two or more of these, as has most frequently happened.

These different simple forms of government, and various combinations compounded of them, have succeeded each other according to the laws that govern the distribution of knowledge and wealth, and so must forever continue to alternate, wherever the people have not advanced to that degree of social elevation requisite to the condition of fitness for the enjoyment of self-government. The crown, the sword, the mitre, and the money-bag, have had their turns; and looking back through the obscure history of long extinguished freedom, we can but dimly discern, and that for a few short intervals, the appearance on the stage of any other power, until the breaking out of the American and French Revolutions.

Of late, the prominent element of power in society has been the influence of popular information acting through the medium of public opinion. This influence can be developed in a wholesome form only by the general, well-advised, and thorough education of the whole people. Intelligence and virtue are the only safe foundation of Republics. This is a truism which has been so often repeated that we have almost ceased to feel its force. It is not the less important to remember, and to act as if we had not forgotten, that they constitute the only basis upon which free institutions can be established, administered, and perpetuated.

When I consider these truths, I am solemnly impressed with the undoubting conviction, that universal education may be justly deemed the palladium of our civil liberty and social well-being. Our government is eminently a popular government. The people are sovereign not only in theory but in practice. To their suffrages is the final appeal on every question, and this appeal is more frequent and more direct with each succeeding year,

Every man, therefore, among us, is called upon to pass his judgment upon the most complicated problems of political science. Ought he not to understand that which he must decide? And how can he understand these often abstruse and really difficult questions without a knowledge of the particular facts in the case before him, and correct general information upon political economy, statistics, moral philosophy, history, the nature, attributes, and mode of operation of civil government, and above all the nature of man? These are essential to intelligent legislation, and with us every voter is a legislator, for he chooses his representatives with express reference to their opinions upon a thousand matters which he has already settled in his own mind.

What then? Should any conscientious citizen shun the duties of his station? Should he abdicate his high prerogative? In vain would he seek to transfer to others the responsibility which devolves upon himself. He is an integral portion of the government of his country, and its offices he must discharge well or ill, for the common weal, or for the common woe, until death releases his obligations. Let him not then fold his arms, cry, who is sufficient for these things, and with reckless indifference float just where the current may drift him. The public interests committed to his care are not of that trivial value, that he may listlessly let them pass, and not be greatly wanting to fulfil the allotted part which in the grand harmony of the universe was fitted for his performance: nor can he separate happiness from duty, nor satisfy his conscience till he has accomplished his mission of citizenship: neither is his own fate independent of the community, nor is he unaffected by its fortunes and character. Innumerable ties connect him with society. Countless sympathies, growing out of every relation of life, sway him to and fro, so that the commonwealth suffers no detriment in which he is not harmed, nor can rejoice in a blessing in which he does not participate. No private good can be secured without those same qualities of courage, independence, energy, and perseverance, which are requisite and sufficient for his task of public good.

Let him then rouse all his manhood for the conflict with indolence and ignorance. Let him qualify himself by assiduous application to the sources of knowledge, by ceaseless efforts to acquire and perfect habits of usefulness, by exhibiting a praiseworthy and profitable example, to act well the part of a good citizen, instead of deserting that honorable post in which it has pleased Providence to place him.

But he is not posted in a stationary location. He is ranked among an onward host. Every man, as a man, because of the nature of his being, has a right to expect and is bound to attempt the advancement and improvement of his being. Every American citizen enjoys this hope, and incurs this obligation, with comparatively few impediments in the way of fulfilling them.

There is a peculiarity implanted by its Maker in the human mind, never to rest satisfied with its present condition. How high soever its present attainments, it presses on with an undiminished ardor for something higher and better: it forgets the things which are behind and looks forward with immortal aspirations to those which are before. For the wisest ends, God has given this desire to every human soul, and has made it unremitting and inextinguishable. Prosperity does not satiate it; disappointment does not damp it; through successes, through reverses it still burns on, warming with its healthy glow the heart that is chilled by adversity; urging to more vigorous action the enginery of the intellect that has already surpassed competition. The cant of all ages, the cant of philosophy, as well as the cant of superstition, has often been levelled against this noblest of our instincts, but the united hostility of sophistry and fanaticism has always been unavailing. You might as well by your reasoning persuade man that he was made to grovel on four limbs, prone, like the beasts, instead of lifting his head proudly like the lord of the lower world, as to reduce him to the sordid contentment of the brutes who know nothing of the future, from that sublime and celestial impulse to ameliorate and to exalt his condition, to purify and to perfect his nature, which he was created a little lower than the angels to entertain and to enjoy. You might as well think to blot out the sun from the heavens, as to quench the fire which the All-wise has kindled in the human breast. Through the whole species it is pervading as the breath of life, all-grasping as the intellect, undying as hope. The desire of bettering our condition has been arraigned as a criminal opposition to the ordinations of Providence. The infallible monitor within us answers, no: it is prompted by Providence. In vain has contentment, *inert, absolute contentment*, which should desire no change, been inculcated as the highest earthly duty, from the pulpit and the press, by the orator, the poet, and the moralist. We cannot be *thus* contented, and it is well for us that we cannot.

It has been written, said, and sung, in a thousand plausible ways, that ignorance is better than knowledge, poverty better than wealth, listless apathy better than intense interest, inert idleness than industrious activity, — and that therefore it is foolish to endeavor to improve our condition, since all these *negative* blessings can be enjoyed without effort. The love of paradox has given some currency to this mischievous theory; much more, however, at the latter part of the last century than of late years; but in practice, men's instincts have generally proved too strong to be stifled by errors of speculation. To a philosopher who should labor to propagate any such doctrine, the reply of a plain workingman would be, Sir, your conduct gives the lie to your professions.

If you really feel that indifference and supine inaction constitute the only true felicity, why trouble yourself about arguments and systems, and take so much pains to convince others of their soundness? You have got together a great deal of learning to prove that ignorance is bliss, and work very hard to demonstrate that you prefer idleness to activity. The only position you establish thereby is that your own mind loves to be in motion, — that your nature will not suffer you to be at rest, in spite of your theory to the contrary, — but that, like all the rest of the world, you seek enjoyment by the exercise of your faculties.

If the desire of improving our condition — *the instinct of perfectibility* — cannot be suppressed, it is desirable that it should be confined to the narrowest possible limits, or should it be encouraged to enlarge itself, and take the widest scope opportunity offers it? Most decidedly the latter. It is this instinct which rouses us to action, which urging us on to benefit ourselves, impels us into courses which benefit others, and to which is to be attributed the progressively accelerated career of social, moral, and intellectual improvement.

Is the instinct of perfectibility to be less cultivated among any class of men, for instance, workingmen, than among others? Decidedly the contrary. It is this that makes men useful, makes them workingmen. A man never acts, except from long established habit, or instinctive impulse, without a motive; and this motive is always, in some form or other, the desire of increasing his happiness. Now let a man set about the pursuit of true happiness systematically, and follow it up perseveringly, and he becomes at once a genuine philanthropic workingman. And shall those whose plan of life is to subserve their own best interests by promoting the best interests of society, be postponed to those who drift down the current of time, without chart, compass, or attempt at a reckoning? It not only must not be, but cannot be. It is not only unjust, but impossible. We are all travelling onward towards perfection, and nothing can retard our progress but our own wickedness or our own folly. In whatever respects circumstances ought to be different from what they are, let us recollect that it is the sovereign people, for the most part, who make the circumstances. Whatever change is requisite in the institutions of society, or in the laws of the State, — we mould the institutions, we enact the laws. The power is in our hands to use it for our common good. The high places of the Republic are ours, to dispose of them as we will. Wealth and honor, respect and influence, the delight of advancing steadily from good to better, the glory of having done well, the proud consciousness of having deserved well, the solid satisfaction of success earned by merit, these are some of the rewards in prospect before us. In no time since the creation, in no nation under the sun, have the whole people beheld that open path before them, in which we are invited to walk. There are no obstacles in the way to deter us from entering it, but only such as operate as incentives to the resolute. Advancement in life courts every American citizen to accept it, and nothing can snatch it from his grasp but some unpardonable vice inherent in his own character.

The great object of our working class, and indeed of our whole people should be, and I doubt not will be, to place themselves upon a level with their opportunities, to fulfil their mission to furnish for the world a model nation, a living exhibition of the capacity of the human race for greatness, for goodness, and for happiness. To this end, the steady purpose of all our endeavors should be the promotion of national morality; and it should be our constant inquiry, what means may we employ, best suited to accomplish it.

The mightiest engine in the hands of the people is their faculty of self-cultivation. Their determined plan of action should be to enlighten the intellect, and thereby to enable themselves to know how to discern between good and evil. In this plan, with the advancement of every man, by his own effort, in knowledge and virtue, should be included also the broadest platform for the general and thorough education of all the children of the community. To cultivate a correct moral taste, to elevate the standard of feeling, and to foster virtuous dispositions, are necessary concomitant parts of such instruction skilfully pursued.

Morality is the natural effect of a comprehensive intelligence. This general proposition may be easily substantiated.

That the general diffusion of knowledge will promote such an education as will develop and strengthen the religious principle, and confirm all the sanctions of virtue, is to my mind undeniable; but this proposition it forms no part of my present design to discuss. True, it may be that some intellectual faculties are often highly cultivated with no better result than to render the possessor mightier to transgress the moral law; but this is not the inherent evil of intellectual strength: it is only the vice of its imperfection. Destroy the just balance of the faculties, and their action is of course perverted; but this fact no more argues that we ought not to use the intellect and strengthen it by use, than the fact that overworking a limb will produce bodily deformity proves that energetic muscular exercise, judiciously varied, is not profitable for the healthy development of the physical system. Nor will any teacher, skilful in the momentous duties which devolve upon him, neglect to establish habits in his pupils, by a course of training suited to that end, which will go far to carry them safely through the manifold temptations of after life; for indeed we are, for the most part, creatures of habit, from which there spring, unconsciously, a thousand acts, for every one that can be considered as the determination of careful, impartial, philosophical deliberation. But this subject also is too important to be despatched in a parenthesis. It demands to be thoroughly treated by itself; and I therefore pass it over in the present discourse.

Besides the direct tendency, then, of intellectual education to promote that pure and undefiled religion which is the safest foundation for the most exalted morality, and omitting that all pervading influence of fixed habits of well doing, which every youth that leaves a New England school should feel through life, is there not in mere intelligence itself an originating cause, a creative impulse of a sound social morality; an impulse by no means all-sufficient alone, yet in its coöperative power with religion and habit, never to be overlooked or undervalued?

A man's character depends upon his practical opinions. For this we have the authority of an apostle, "*As a man thinketh so is he.*" But a man's practical opinions, so far as he is a reasonable and consistent being, must depend upon, and grow out of, his theoretical opinions. So much so that we are expressly directed to judge of every man's faith by his works, since a good tree cannot bring forth evil fruit, neither can a corrupt tree bring forth good fruit. And it cannot be otherwise, since, except from long established habit where the motive influences us, if at all, so unconsciously to ourselves that we can hardly be certain of its existence, or from those instinctive impulses where the dictate of nature supplies the place of a motive, a man never acts without a motive, and according to the views he entertains of his own highest happiness, and of his relations with the world about him, will be the motives which operate on him, and which operating frequently and through long periods of time, will often essentially modify not only his habits, but even the very instincts and propensities of his nature. The importance of this fundamental doctrine will justify for it a more attentive consideration. Let us examine, then, what it is, as often as the intellect intervenes, that governs the conduct of men: what are the rules of morality: and, independently of religious considerations, what other inducements, superadded to the teachings of his nature and the promptings of his conscience, what inducements addressed to him through the medium of the intellect, has every man to be moral.

Let me not be misunderstood. I am not about to assert, or to intimate, that we should depend upon intellectual education to form the moral sense, and to perfect the moral character. I hold directly the reverse. My object in this investigation is to refute that calumny against human nature and blasphemy against God's Providence, that ignorance is the mother of devotion and virtue, by showing that intellectual education, so far as it affects the moral character, cannot but foster and confirm all holy influences.

Honesty, veracity, honor, benevolence, love, patriotism, are not inductions from facts, or corollaries of any theory, or conclusions originally wrought out by any process of reasoning; but where these, and the other virtues that cluster round them spring up from pure and abiding principles planted in the heart, all facts, all theory that is not falsehood, all reasoning that is not sophistry, sustain their vigorous growth. The dark, dank vapors of ignorance would chill and blight them, but the cheerful sun of knowledge can only impart warmth, and health, and life to that goodness which, because it is by the constitution of nature in exact harmony with all truth, therefore loves the truth, and comes gladly to its light.

What is it — whenever an appeal is made to the intellect to decide the question of interest — what is it that governs the conduct of men? Mankind are by the constitution of their nature, capable of deriving happiness from many different sources. They have instincts which desire to be gratified, and in the gratification of which they experience a vast variety of enjoyments. These instincts were designed by their Maker to be gratified, and it is only in the properly adjusted gratification of these capacities that happiness consists; yet the whole history of the world presents us with the melancholy spectacle of mankind making themselves, and making each other miserable by the unwise, indiscriminate and unrestrained gratification of their instincts. The limits of healthy and rational indulgence are everywhere determined in the order of nature; and he who may pass beyond them in search of some good which nature intended not for him, although he may grasp some fleeting pleasure, will find, when perhaps he least expected it, a latent pain provided by the beneficent Author of the universe, to teach the erring mortal a bitter, though wholesome lesson of forbearance and moderation. These limits exist in the dispositions and wants of other men, in the constitution of things about us, and in our own constitution. By confining all our desires within these limits we shall never waste our strength in ineffectual struggles after unattainable good; by cultivating and gratifying all our instincts up to these limits, we shall obtain the highest amount of happiness of which our nature is capable. We cannot satisfy any of our capacities for happiness without employing the means which nature affords us. We can create nothing, and we can modify her creations only by directing operations which she herself performs. We must take advantage of her aid, for without her we can do nothing. She however furnishes with a bountiful hand. We have only to ask with an intelligent faith, and we shall receive. All the works of God seem suited for the sustenance, the delight, and the perfection of man. His creation is one vast magazine of blessings, into which whosoever will abandon all preconceived prejudice, all false philosophy, and all vain conceits, and come to nature humbly and inquiringly as a little child, desiring to be taught of her, may enter in and enjoy. The mineral, the vegetable, and the animal kingdoms are filled with innumerable correspondences, fitted to meet the requirements of our own constitution. We need only comply with the conditions to be recipients of the benefits they are intended to confer. Our fellow beings are related to us by common wants to be relieved, common desires to be satisfied, common dangers to be averted, common sorrows to be comforted, common weaknesses to be assisted, and common hopes, rewards, and consolations to be enjoyed together. In all these, and in all their other relations, no less numerous than their powers of receiving or imparting advantage or injury, mankind are full of sympathies, and in these sympathies there is a rich and inexhaustible mine of the noblest and most exalted pleasures. But more than all, in the structure of our own souls provision is made for their highest well-being, and for the full fruition of a more exquisite beatitude than any external good can bestow upon us. Our Maker has not left us to be the sport of time, and place, and chance, and circumstance; within ourselves are the fountains, pure and perennial, of living water, springing up to everlasting joy, whereof whosoever drinks need thirst for no other. Thus it is that in the properties of external things, in the constitution of our fellow-creatures, and last and chiefest in our own breasts, we are to search for the sources of all the happiness our nature is capable of experiencing.

Here then we arrive at a great truth —

KNOWLEDGE IS POWER. For unless we know and understand the properties of matter, the dispositions of men, and our own faculties; in short, unless we are acquainted with the laws, moral and physical, by which we, and the world we live in, are governed, how can we take advantage of those laws — how can we employ our faculties, or derive any profit from the excellent qualities of the good things afforded for our use? We shall be like a blind man in a gallery of choice pictures, or like one destitute of hearing at an oratorio of some great master: the eyes of our understandings are not enlightened to distinguish between good and evil, our ears are not attuned to the harmony of nature. But he who knows the properties of things, their mutual dependencies and their fixed laws, knows the springs by which all the machinery of the world may be set in motion. He is indeed the Lord of the creation.

Whatever he wills he does, for he knows where to find, and how to command the means of doing it. Out of seeming evil he produces real good, and in this he imitates him in whose image he was created. Those agents of destruction, most terrible to uneducated man, become willing ministers of his purposes. The unconquerable elements obey him. The ocean bears his treasures on its bosom: the winds waft them: the waterfall turns the wheels of his engines. Fire subdues for him the hardness of the most obdurate substances, and steam, like some mighty genius of oriental romance, confined by his potent spell, toils on for him without sleep, without rest, without food, and enables a single mind to exert productive energies, which, without its aid, would require the labors of ten thousand hands. He learns the habits and the instincts of the lower animals, and subjects them all to his empire. He modifies their original characters, and makes useful servants of those which, untamed, were unserviceable or even noxious. He studies and comprehends his fellow men, makes their passions subservient to his own, makes his interests coincide with theirs, enlists their sympathies in a common cause with his, and makes himself happy by promoting the general welfare and happiness. He looks within himself, and discovers that he possesses, independently of all external helps, the means of a calm contentment, which the world can neither give nor take away. Upon this basis he rests, here he founds his confidence, which no tempests of misfortune can shake, no torrent of adversity can tear from him. By honesty, by honor, by avoiding every act and word that will bring after it remorse or shame, by meditating upon and following after whatsoever things are lovely and of good report, he preserves and cultivates his own self-respect. By communion with God and with his own thoughts, he purifies, exalts, and enlarges his faculties, and becomes truly wise, saving himself from every vice and from every misery which is the result and consequence of vice. Those lesser afflictions which still trouble him, because they are part of the lot of humanity, compared to those from which he escapes, are but the small dust in the balance. Whatever the world may think of him, however the fortune of the world goes with him, he is master of himself and of his fate, he has in his own breast all the elements of a tranquil felicity. How different is the condition of that man who is still in his pristine state of ignorance. Nature has no charms for him, no blessings in store for him; he sees no beauty, he perceives no harmony; all sweet influences are lost upon him, all the propitious intentions of nature are frustrated by him. He pursues phantoms that only mock him, and where his expectations are highest, his disappointments are most grievous. He lives in a continual struggle with the eternal order which he does not understand, and is always defeated, because he always attempts what it is impossible for him to perform. Most clearly, then, in the most extended sense, knowledge is power, and without it we have no other power, we are like children exposed in a desert, there is nothing on which we can place reliance, or to which we can look for assistance, we are isolated and helpless.

We can now answer the question, in all calculations of interest, what is it that governs the conduct of men. It is the desire which every one has of increasing his portion of happiness; and according as his views of the course to be pursued are more or less correct, his exertions will be well or ill directed. If he sets his own interest in opposition to the true interests of the world at large, he will fail of accomplishing his object, and, in proportion to the extent of his influence, he will occasion injury to others. If he makes his happiness consist in that which can be pursued without diminishing the enjoyments of others, if he violates no law of physical or moral nature, if while he prospers in his own enterprises he thereby contributes to the well-being of his fellow-creatures, he will encounter no antagonist principle, he will make auxiliary to his purpose all those principles in conformity to which he acts, and he must succeed in his design so sure as the laws of nature are constant in their operation.

Let us now consider, *very briefly*, since the remarks already made have occupied so much of your time, — let us consider what are the rules of morality. As every man's motive of action is to increase his own happiness, it is evident that he will approve of that conduct in others which most strongly tends to this result. It is equally evident that if we will have general rules they must have regard only to the general effect of actions. It is evident also, that mankind must either govern themselves by *general* rules, or not at all. A rule which is made for a single case, is no rule. To be able, without rules, to make special decisions for particular cases, all mankind must be philosophers; and of all men, philosophers, I believe, are the least inclined to make special decisions, and will most cordially recognize the absolute necessity of general rules of action. Mankind have long been sensible of this necessity, and have tacitly, and perhaps I might almost say instinctively, acquiesced in this conclusion. The wisdom of many ages has been embodied in a system of rules, which experience from time to time has taught us to improve, which rules the whole community holds that each individual ought to observe. They are such as allow every one to pursue his own advantage, but not at the expense of his neighbors. They allow every one to push forward himself, but no one to interfere with another. They are such that any infraction of them is at once seen and felt to be detrimental to society, without any uncommon sagacity or great depth of penetration. The whole pith and marrow of them is briefly comprehended in that maxim sanctioned by the founder of Christianity, "to do unto others as we would that others, in exchange of circumstances, should do unto us."

Morality provides for the doing what most conduces to the good of mankind. It is all included in that new commandment of the Saviour, which seems to be the fundamental principle of his system of social duty, "Thou shalt love thy neighbor as thyself."

It may be expressed in one word — philanthropy.

How simple then is the part we have to perform in the world. Two commandments enjoin upon us all our duties: to love God with all the heart — religion: to love our neighbor as ourself — morality. These two are inseparable: we have the word of an apostle for it, who assures us, that a man cannot truly say he loves God, so long as he hates his brother. Let us then show the sincerity of our love to the Father of the human race, by doing all the service in our power to his intelligent offspring.

Independently of all religious considerations, what inducements, discoverable by intellectual education, has every man to be moral? The remarks already made enable us to answer this question.

As it is the common interest of mankind, ascertained by experience, which has so established the conventional rules of that morality whose essence is incorporated in our nature, as to cause them to be admitted in theory even by those in whose hearts the love of goodness finds no place, he who deviates from these rules is recognized at once as a common enemy. If the deviation is great, alarm is excited, or passion roused, and society declares war against him: I speak not so much of what ought to be, as of what is. If it implies meanness and depravity, he is shunned and detested. If it has been described, and forbidden by the authority of society, the majesty of the law steps in and inflicts the penalty. Lesser offences which neither are restrained by law, nor visited by public indignation, have, notwithstanding, their appropriate punishment. No man can with impunity set himself in opposition to the general will.

In the unequal contest, however extraordinary may be his powers, he must be overcome. Humanity never fails to avenge herself whenever her rights are outraged, and the perceptibility of injury, when any moral law is infringed, is wonderfully nice. It seems almost to be an instinct given for self-preservation, and infallible in its operation. Often also it occurs, so admirably are the different parts of this universal whole adjusted to each other, that he who transgresses the regulations which nature prescribed, directly and in the first instance, injures himself, as well as his neighbor. This is especially the case with the intemperate indulgence of the appetites and passions, a large class of vices of different degrees of guilt, and bringing after them a great variety of sufferings. He that proposes to live according to the letter and spirit of a strict morality may rest assured, that he not only may, but *must* perfect his health, both of body and mind, by a rigid observance of the rules of physical and moral education, and that he cannot innocently contravene any precept of physical or moral hygiene. Temperance in abstaining from too prodigal a use of the good things of this life, temperance in controlling the violence of our passions and desires, temperance in forbearing to cultivate any favorite faculty to the neglect of others, and so as to destroy the balance of our powers — all these are necessary and have their recompense ; but if we will not submit to their wholesome restraints we must expect and abide by the consequences of our folly.

These consequences are inevitable. We cannot avert them by skill or by industry, and we must expect no exceptions in our favor. If it is hard to oppose the general interest and will of mankind, it is still harder to fight against the constitution of nature, and the ordination of God. Resistance is unavailing ; we have only to yield a hearty acquiescence : to obey is to enjoy ; to resist is to be miserable. The meanest understandings can receive these truths ; wise men in all ages have proclaimed them : it is the voice of universal experience, that " the way of transgressors is hard." Every day's observation confirms the fact, and supplies us with new proofs and illustrations. Wisdom cries without, she utters her voice in the streets, how long will fools hate knowledge ? All the warnings of Providence are so many admonitions of the danger of vice ; the whole course of events is full of lessons of virtue. Honesty is the best policy, says the worldly man, calculating the chances of gain, and judging like a shrewd observer of the habits and interest of mankind. Virtue is the only true good, echoes back the stoic sage, taking a nobler and a broader view of what constitutes happiness. Wisdom's ways are pleasantness and all her paths are peace, says the wise man of old, and the teacher of a later dispensation adds his testimony, the path of the just is as the shining light, that shineth more and more unto the perfect day.

Thus much for those who look only at the outside of things. These are the obvious and external motives which urge us on every side to live as a well-directed conscience would lead us. But this is not all, higher and more worthy hopes inspire us; rewards more glorious, as well as more certain, are held out to us. Those who with patient and long-suffering endurance, striving to have the complete mastery over themselves, seek for glory, honor, and an incorruptible crown, enjoy in this world and before their combat is over, much of that peace which the world cannot take away. There is no need to hold out to such men any hope of worldly gain, the voice of approbation in one's own breast is better than lucre. There is no need to threaten them with the loss of other men's esteem, they have that within that is dearer to them than the applause of a multitude. Do they need any protection against temptation to crime? They know that crime is followed by the loss of that feeling of self-respect, that consciousness of integrity, that lofty sense of honor, which they have earned by a life of rectitude, and which they will not throw away for any unsatisfying weakness. I call it weakness, for he who yields to temptation is ashamed that he has not strength to resist, and his sense of degradation makes him wretched while he yields. Remorse follows crime with a terrible retribution. Remorse which its victim cannot escape, till his soul is steeled against feeling, and till he has ceased to be sensible to all the pleasure arising from an act of virtue, in the same proportion that he is callous to the pain which accompanies and follows the debasement of vice. When his finer sensibilities are dead, he finds relief from the torment they inflicted on him; but the remedy is infinitely worse than the disease. He has eradicated the seeds of goodness from his breast, he has destroyed his capability for the most exquisite happiness. He that is dead to shame is dead to virtue. He that is dead to virtue is dead to intellectual and moral enjoyment. His animal enjoyments he may still possess in common with the beasts, but he retains a capacity of misery vastly above theirs.

We now perceive, and the conviction forces itself upon us with irresistible plainness, that the inducement every man has to be moral is that otherwise he must be miserable. The rule of conduct is that every man best consults his own good by consulting the good of mankind. We can now go one step further, we may not only assert that knowledge is power, but also that KNOWLEDGE IS VIRTUE.

It is knowledge which constitutes the essential difference between different men, and also between different nations. It is the correct understanding of his own true interests that makes one man happily virtuous, and it is because he is not thus enlightened that another becomes unfortunately vicious. In one nation, brutalizing superstition, abject poverty, and veneration for ancient abuses forbid improvement, and keep the people stationary in the first stages of their natural progress, so that generation after generation drags out its wretched existence, toiling barely to support life and to secure a few of the baser animal gratifications, because no ray of knowledge has pierced the thick darkness which envelops them, to discover to them any more substantial good, or to enlarge the narrow horizon which limits their experience, their desires, their hopes, and their pleasures; while in another nation, each succeeding generation, inheriting the full capacity for happiness which its predecessors possessed, opens for itself new sources of enjoyment, till it reaches the most refined and exalted, diffuses their blessings till they become accessible to countless multitudes, and thus purifies their passions, advances them in virtue, and raises them in the scale of moral and intellectual being, because the divine light of science has illuminated their minds and has shown them the inducement, the means, and the practicability of being happy. Thus one nation grovels in slavery, because it does not know its rights; another preserves but a small portion of liberty, because it knows not how to defend what it has obtained, or to regain what it has lost; while another exults in the unrestrained exercise of its energies, because it knows what freedom is, and knows how to value and to guard it. It would be no difficult task to show you that our fathers were duly sensible of this great truth, and that therefore, anticipating the evils which ignorance would inevitably bring upon their posterity, they established an institution singularly well calculated to perpetuate general information, in the hope that we should not suffer the flame of knowledge to expire, but rather keep alive the sacred torch, and hand it down from age to age with undiminished lustre.

Our system of common schools, however, though it furnishes to our whole youthful population, an opportunity for acquiring those rudiments of knowledge which are to be regarded rather as the means of something better, than for any intrinsic value they themselves possess, is as at present administered, defective, if considered as a provision for national education; and altogether incompetent to answer its purpose, if it is resorted to in the expectation that it can prepare its pupils to become, I will not say scholars, or statesmen, or philosophers; but practical business men, or intelligent, independent citizens. It is important that all our children should be taught to read, since the knowledge of letters is the key to all other knowledge. It is important also that they should be taught to write, since ideas can be extensively communicated or permanently recorded only by means of written language. But he who knows this only is no wiser for his knowledge. The ability to become acquainted with the thoughts of others, may make ignorance more unpardonable, but unless profitably employed, will not remove it. The ability to communicate our thoughts to others, or to preserve them for ourselves can be of little value, unless we originate or acquire thoughts which deserve to be communicated, or preserved; and this the meagre supply of the fragments of a few sciences with which our public schools furnish us, will hardly enable us to do. The implements of acquisition, therefore, which are nearly all that our institutions at present gratuitously afford us, become valuable only to those who make diligent use of them, and exactly in proportion in which they make use of them. The wisdom which is to guide us through life, which is to direct us in the choice both of ends and means, and to give us judgment to perceive and embrace opportunities, and capacity to accomplish objects is not to be learned at school. It is something of a higher order, and for which we must go further into the nature of things. It is something which every man must, at present, acquire for himself, with such mutual aids as men by association derive from each other, or be content to wander through life the creature of circumstances, and the sport of fortune. It is self-education which must store the memory with materials for profitable reflection, it is self-education that must form and consolidate the judgment, and that must sharpen and quicken and invigorate the mental faculties. All this we must do for ourselves, for no one else can do it for us. But although we must be active in doing our own work, and not expect to remain passive and have it done for us, yet in this as in every other undertaking, we may do much to assist others in their progress, and may derive much aid from their coöperation with us. The intellectual powers, it is true, are strengthened chiefly by their own exercise, but men may combine together to concert occasions for exercising them. And in this way they will be more likely to proceed pleasantly, as well as profitably, and by witnessing each other's progress, and encouraging one another, to persevere to some good effect. Conversation elicits ideas; the collision of opposite opinions strikes out new veins; discussion develops the various arguments, so that the judgment may decide with the whole field open before it. That the mind should thus refresh itself with this friendly contest, where victory is gain to both parties, and defeat loss to neither, is the most eligible mode that can be conceived of testing its growing capacity, of familiarizing it with the comparison of conflicting principles, which must sooner or later urge their diverse and irreconcilable claims to its assent, and of enlarging and emboldening its just self-confidence. The lyceum begins where the school ends. Its office is to perfect what the school has prepared. Elaborated by its wholesome agitation, the unseemly ore of barren facts is made to yield abundantly the pure gold of practical wisdom and sound philosophy. There is no magic in the process; it is the ordinary operation of nature. The lyceum is a mental gymnasium. It is here that the young candidate for intellectual superiority must acquire the habits of investigation by which the truth may be sought and won, and the arts of offence and defence by which it may be made to exert an influence on others, and to maintain the moral dignity and self-respect of its possessor. Though the school may put weapons into his hands, and may teach him their names, it is here that he must learn how to use them. Nor will he find this training to be labour thrown away when he begins to act his part upon the stage of busy life. He will find occasion then for habits and for energies which it needs all the discipline of this institution, through all the forming period of his youth, to confirm within him: the time he has spent in preparing to play his part manfully, he will never regard as time lost; he will only regret that he had not practised more. He who would hold and defend opinions of his own, in these stormy days of controversy, must descend into the arena a gladiator armed at all points. He that would act according to his honest convictions of right, must be content often to be set down as acting wrong, unless he is always ready to give an answer to him that asks of him a reason. And what is that man good for who either has no principles of his own, or having them fears to live according to their dictates? Can he respect himself? Can he look for any respect from others? Most assuredly not. The consciousness of his inferiority before the upright and conscientious man of independence, oppresses the timeserver; it makes him wish that he could sink into the earth. Scarcely less contemptible is the timorous partizan of other men's notions; who, knowing nothing of himself, adopts blindly the views of those with whom chance brings him in contact; who with honest intentions, is made the instrument of the designing, and the victim of the crafty; who, having no chart to steer by, suffers himself to be blown about by every wind of doctrine; who spends one part of his life in endeavouring to correct the mistakes which he should have avoided in another, and dies leaving his work unfinished; who nullifies his own influence by perpetually undoing what he has done, and who cannot be respected for the purity of his motives, because we despise him for the inconsistency of his conduct. He who cannot think is an idiot; he who will not is a bigot; he who dares not is a slave: and he who thinking right, acts wrong, is without excuse or palliation a villain. The lyceum furnishes our young men with almost their only opportunity to cultivate in themselves that acuteness and precision of thought which give the judgment a decided temperament, while it fosters also that firmness of purpose which is the natural result of an habitual reliance on one's own conclusions, and which conduces so much to confer a tone of independence on the whole moral character.

If ever there was a time when it might seem peculiarly incumbent on every man about to enter on the active duties of manhood, to qualify himself to perform those duties understandingly and efficiently, and with a high and holy aim to the welfare of his fellow-creatures, that time is surely no other than the present. If ever there was a nation upon whom devolved much of duty to be discharged for the benefit of other nations, it is our own. If ever there was a people among whom it behoved every individual strenuously to exert himself for the advancement of the general improvement and for the safety of the common cause, it is ourselves. For those whose lot was cast in the times of universal ignorance, for those who now groan beneath the heavy yoke of castes, oligarchies and hierarchies, but little can be imagined to stimulate them to acquisition, or to action. Why should a man open his eyes, if he must behold about him nothing but degradation and misery? Why should he study the history of his race, if that history is only the record of its sufferings and its crimes? Why should he speculate on its coming fortunes, if the prospect before him is all dark and lowering, if the future threatens but to repeat the past? But now when the world is awakening to its true interests, when a new morning has burst upon the astonished nations, hope has arisen from the grave where literature, and science, and common sense, and philosophy were buried with her for so many ages. All is not lost. Experience is no longer to be but a prophet of plagues forever boding ill. Prudence shall no longer confine herself to her single lesson, Forbear! Attempt not good, for in so doing you shall assuredly effect evil! She has abandoned her ungenerous doctrine; she walks hand in hand with philanthropy: she is not afraid to proclaim in the highways and public places that better days are in store for us. Mankind begin to know their friends, and to mark their enemies; and henceforth he who would insure their favor must take his stand among the doers of good, and not as has been the case in the infancy and childhood of the world, among the doers of magnificent evils. But a little while and the purple garb of war shall cease to be a robe of glory. Wars of conquest will be ranked with assassinations for plunder; and the ambitious for fame will employ their talents to enroll their names among the benefactors, and not among the destroyers of their species. There is much to encourage benevolent enterprise; much to stimulate honorable ambition. Every quarter of the globe exhibits evidence of improvement, and promise of more rapid advances. The races of men hitherto inferior, whether from constitution or from circumstances, are disappearing from the face of the earth, and giving place to those possessed of higher capacities both of virtue and enjoyment. The Saxon family, carrying with them the love of freedom which is a part of their nature, the language of freedom which is their inalienable birthright, and those free institutions, which, through centuries of bloody strife, their fathers have secured and perfected, have planted their colonies wherever agriculture could find a soil to cultivate, or commerce products to barter. Under the burning line, beneath the frozen pole, among the crowded millions of Hindostan, or over the desolate wastes of New Holland, along the sultry coasts of Guinea, up the late explored current of the Niger, in the salubrious climate of South Africa, over the vast expanse of the North American continent, you find them everywhere, and wherever you find them industry and enterprise, intelligence and virtue, civilization and freedom are their inseparable companions. But the great comparative increase of the white race, and the unparalleled rapidity with which the Saxon branch of that race spreads and multiplies, are not the only symptoms of a great and lasting amelioration in the condition of the human family. The great European revolution now going on, not steadily, but with throes and spasms, cannot cease till society has assumed a form more propitious to the well-being of all its members. When governments shall be administered in the interest of the governed, then we may hope that there will be no more convulsions, since then there will be no cause to produce them; but till then oppression will beget resistance. The people never complain unless they suffer, submission to light burdens being much easier than revolt against them; but, so long as they suffer, they will, and they ought to risk even the most hazardous and costly experiments to alleviate their suffering. The cause of the people will ultimately prevail, and this result infallibly must come, because the universal diffusion of intelligence is fast carrying the moral influence into that portion of society where the physical strength has always been. Let us reflect that hitherto the interests of governments, over most of Christendom, even, have been adverse to those of the people; let us count upon the certainty of an opposite order of things, and then set limits, if we can imagine any, to the benefits which must grow out of this fundamental change. Hitherto, great minds have arisen in rival nations, and devoted the highest order of talent to counteract and to thwart each other. Hereafter, they will serve the people, and as the interests of the people are the same everywhere, they will assist each other in devising and effectuating measures for the common good, and the world will reap the product of their joint labors, instead of incurring the mischiefs that flow from their eternal strife. Hitherto, neighboring nations have looked upon each other as natural enemies. Hereafter, as the true principles of political economy are more and more understood, they will regard each other as natural friends, and will recognize, as fully as neighboring towns now do, that they are injured by each other's depression, and benefitted by each other's prosperity. Hitherto, the governors have looked upon the mass of the people with jealousy, and have retarded their improvement, lest they should be forced to relinquish to them a share of their power. Now they must take their places in the front, and lead the onward movement, or be trampled under foot in its irresistible progress. It is because knowledge is power, that the people so long as they could be kept in ignorance, were easily held in bondage: it is because knowledge is power, that everywhere as they become enlightened they become free. When they see that they are many and their masters few, that they are strong and their masters weak, that they have common interests and may act in concert as well as their masters, they shake off their chains. It needs but a single effort of volition, and their slavery is terminated at once and forever.

Knowledge is power in the individual, in the state, in the nation. Knowledge, taken in that broad and comprehensive sense in which it constitutes true wisdom, knowledge is virtue. If, under the guidance of virtue, the different elements of power unite harmoniously in impressing upon the government one common impulse, the whole machinery of social order will move on steadily without starts, and stops, or jars.

A self-governing people without education is an impossibility; but a self-governing people imperfectly and badly educated, may continually thwart itself, may often fail in the best purposes, and often carry out the worst. More especially will this be the case, if the power of wealth, and the power of knowledge, failing to coöperate because one or the other is placed in a false position, act in destructive contradiction to each other.

The power of wealth is vast, so much so, that a great majority of the political writers of authority, in every age, have imagined that it must naturally and necessarily have the controlling influence in every state. Some very sagacious publicists, judging rather from the history of barbarous and imperfectly civilized people, and of the Gothic or feudal monarchies of Europe, than from the general principles of human nature and the capacities of society under more favorable circumstances, have even gone so far as to assert without qualification, that the holders of landed property must always direct and dispose of all other classes in the community. Where poverty is universal, except only among the landholders, and where ignorance is equally universal, except only with a few priests, and the latter dependent on the former, the monopolizers of the soil must certainly monopolize the power. But there seems to be no magical peculiarity in landed property to carry all power with it, after numerous classes have made themselves intelligent, and after other kinds of wealth have come forward to claim and exercise their share of influence.

The diffusion of information by means of the printing-press, and improved facilities of intercourse, has created two new powers in the social system, the mercantile and manufacturing interests, whose existence was hardly felt politically before the fifteenth century; and the further operation of the same cause, at a still later period, has brought into notice an interest of preponderating importance in any fair estimate, but almost entirely overlooked for ages, because education had not given it a voice, — the interest of labor.

Since these organic changes in the very constitution of society itself, the distribution of power has undergone corresponding changes. The old learning upon the supposed connexion between land and power is altogether obsolete in the United States, and to a great degree will soon become so in Great Britain and France, where it already requires to be much modified to retain any semblance of truth. The abolition of entails, and a statute of distributions, will indeed do much to prevent, or help to break up a landed aristocracy; yet these and all other government measures devised for the same end are only symptoms, and by no means the causes of the spirit of change, a spirit which is not evoked by government, but which, at the bidding of a superior energy, roused by a more potent spell, with irresistible force, hurries government along with it, helpless under its influence. The causes of the series of revolutions going on since the downfall of the Roman Empire, and now working out for the last three and a half centuries, with a rapidity constantly accelerating, operate much deeper than any measures of government. Their roots penetrate down among the fundamental principles of human nature, and there originate the mighty movements which are transforming society, it might almost be said, mankind.

Here, where the sovereignty is in the whole people, they must fit themselves to be wiser and better sovereigns than any race of kings upon whom history has yet set her seal. How else are these universal movements to be directed? Every citizen must be educated first by his parents, then in the public schools, and afterwards by his own efforts, conscientiously to discharge his private and his public duty of self-government. By how much the more strictly he governs himself, according to the rules of the most comprehensive virtue, in his individual capacity, and as a private duty, by so much the less will he need to be restrained by the government without him, to curb his disposition to encroach upon the rights of others.

If the mere form of the government confers power on the classes with whom the Constitution nominally deposits power, the ballot of every voter is equal to each other ballot, and among us the most numerous class of voters consists of those who could not enjoy the right of suffrage under any other institutions than our own. If knowledge, in a higher and a nobler sense is power, our common school education is imparting to the whole people, in their childhood, choice and wholesome knowledge, partial knowledge carrying the vice of imperfection with it, or false knowledge, cursing its victims with artificial propensities to mischief and misery, according as the system is well or ill administered; our newspapers, countless as the leaves of Vallambrosa, good, bad, and indifferent, are the people's books with which they continue the process of mental and moral self-cultivation; and our institutions, with their frequent elections and never ending discussions, are the great Lancasterian school of the nation for mutual instruction in political science. If wealth is one of the forms of power, never was wealth before distributed among so many millions. Land is divided and subdivided perpetually; moneyed estates rarely remain for three generations together in the same family. Of the accumulations of wealth of every sort, but a very small proportion are hereditary; in most cases they are the product of the industry, skill, activity, and economy of the present proprietors.

This point of the distribution of wealth is so important in its various bearings on our condition and prospects, that it deserves a brief examination.

We have no landlords gathering the rents of territories extending as far as the eye can reach, and reckoning their tenants by thousands, and their income by hundreds of thousands. Our farms are sufficient to render the owner independent and comfortable, but not to surround him with a crowd of dependents. Our farmers, therefore, have all a common stake in the permanence of free institutions, and the government of just and equal laws; and instead of the ownership of land furnishing the elements of an aristocracy, as it does in most other countries, it is here one of the firmest bulwarks of liberty.

No more can our merchants, if they truly understand their own interest and that of their posterity, wisely desire to obtain an undue proportion of influence, as a class, in the community, because they are not a permanent body, and any unfair advantages or exclusive privileges vested in the class, which might at the present moment operate to the profit of certain individuals, would in a few years, by the turn of fortune's wheel, be perfectly certain to operate to oppress themselves, or at the farthest their children. Of the young men who from the country remove into the great cities to embark in mercantile pursuits, a majority fail before they have gone through ten years of their business life. Those who are born and brought up in the cities, have, as a whole, even poorer success, for they are not so generally educated in habits of industry, energy, and economy. Is this the material out of which to constitute an aristocracy? Would not the members of such a fluctuating body be fools and blind, if they did not resist every tendency towards partial laws, or any other species of favoritism towards their class, when they might well anticipate, each one, that he should be among the first to suffer under such injustice?

Nor does the manufacturing interest threaten any more to become the nucleus of a weighty and a permanent aristocracy. It lacks the element of firm, substantial power, residing for a length of years in the same individuals, and hereditarily in the same families. Within about ten years there has been a general bankruptcy of our manufacturing establishments; and if we look back twenty years, we may see most of them some two or three times ruined, or on the brink of ruin. Such an interest may at times be unduly favored by the partiality of other classes, but such advantages must be temporary, for it can never command them by its own unassisted strength.

Our capitalists are very few in number; a few hundred in New England, and in the whole Union, they can scarcely be counted by thousands. Most of these are the children of poor parents, and many of them will be the parents of poor children. Half a century changes the names through almost the whole list; every year strikes off some and introduces others. Their aggregate wealth is, at the highest, but a small fraction of the wealth of the community. In a state of general ignorance, the holders of masses of capital have an influence, not only disproportioned to their numbers, but also far beyond the proportion of their wealth, by the control they possess over mercenary talent: but, in a state of general education, the amount of talent developed is far too great to be bought up by any class; a wholesome public opinion makes talent scorn to be mercenary, and its natural love of independence and consciousness of power, ally it rather with popular interests, where it is received with deference, than with aristocratic interests, which it is allowed to serve, as long as it will do taskwork for hateful wages. With free schools, and a free press, improved as both of them ought to be, and must be, if we duly prize our peculiar privileges, we need have no fear of the aristocratical tendencies of accumulated masses of capital.

There are two other interests, hardly known in other countries, among those which influence the government, or which deserve to be regarded in legislation, but which popular institutions and universal education bring forward to their proper station; the interests of talent and skill, and of labor, or personal strength. The former of these has the largest share of the power of knowledge, and the latter of the power of wealth.

The interest of skill includes all who live by skilled labor, of the hands or of the head, mechanics, overseers of various business operations, administrators of public affairs, authors, editors, and all professional men. This great interest is concerned that ingenuity and skill should be adequately rewarded, and well employed talent held in honor. For its numbers, its learning, its shrewdness, its activity, and its wealth, this class will make its influence more and more felt. It is more than any other the growing interest. Its power augments every day.

The interest of labor, always deserving respect for its numbers, has been trodden under foot from generation to generation, for the want of knowledge to make itself respected. With the physical force in its own hands, it has obeyed the weak, and sacrificed itself to their profit and glory. With arms in its hands, and indomitable courage in its breast, it has fought the battles of the tyrants who were grinding it into the dust. The sons of toil have been marshalled in hostile ranks to butcher one another for the pleasure of their common enemies. With the sources of wealth in their hands, they have reserved poverty for their portion, and starved in the midst of the plenty they had created. The education of this class puts an end to these strange and unnatural phenomena. It enables the workingman to eat the fruit of his labor. It happily precludes also the hostility between labor and capital, by enabling the laborer to command a fair share of the product of his labor, and by preventing him from demanding more than his share, lest he should thereby drive capital and talent from the pursuit in which he is employed, and thereby terminate his employment.

The remaining class, consisting of paupers, idlers, and criminals, has little or no influence on government. It is fortunately a smaller class with us than in any other country, and from the general tendencies of the times, it seems likely to become still smaller.

It would not be a mere idle speculation to inquire into the proportionate importance, measured by a pecuniary standard, of these several interests. Let us take the State of Massachusetts for the subject of the inquiry, and in doing so, we make that selection which shows to most advantage, the property classes; this State having, from its dense population, brought into cultivation more of its land, and gone more largely into mercantile and manufacturing pursuits, and the mechanic arts, than any other State, in proportion to its numbers.

If by wealth we understand the power of commanding articles of comfort and luxury, and the various accommodations which money will purchase, it is plain that for the purpose of our comparison, we must regard those as equally wealthy who possess an equal fund of this power; no matter whether they hold it in the shape of muscular strength, practical talent, productive acres, or hoarded gold.

In Massachusetts there are seven hundred and twenty thousand inhabitants, among whom are one hundred and eighty thousand able bodied men capable of earning by their labor, upon an average, three hundred dollars a year. This is not too high an estimate, when we throw into the account all the labor done by women and children, which we shall not reckon separately, and all that degree of skill involved in various kinds of labor, so that it cannot be distinguished, and where the labor, and not the skill, is what is principally paid for. Each pair of working arms, therefore, if we reckon but a hundred and eighty thousand pairs in the State, represents an active capital of five thousand dollars, and the productive fund of labor in the aggregate is equal to NINE HUNDRED MILLIONS of dollars. This class, therefore, holds in its possession more wealth than any other, and this is true not only in Massachusetts, but in every State in the Union.

The interest of skill is not so easily measured. We have, however, facts from which we may fairly infer, that though of much less magnitude than that of labor, it is very far beyond that of capital.

A return of the products of industry in Massachusetts, made last year to the Secretary of State, exhibited a total of more than eighty-two millions of dollars. It is true, that in this return no allowance is made for the cost of the raw material of the manufactured article; but neither did it include the products of agriculture generally, nor the earnings of commerce. Making the proper allowance for these particulars, it cannot be doubted that the value created by the productive industry of the State, in one year, exceeds one hundred millions of dollars. Of this sum, fifty-four millions are the wages of labor; about eighteen millions are the wages of capital; and there will remain therefore about twenty-eight millions to be the reward of talent, skill, and ingenuity. So that this is, if measured by a pecuniary standard, clearly the second great interest in the community.

Of the accumulated property in the State, amounting to three hundred millions, considerably more than half consists of real estate, a smaller proportion constitutes the wealth embarked in commercial and manufacturing pursuits, and the least share of all exists in the shape of moneyed capital. If this is the case in Massachusetts, richer in moneyed capital, in proportion to her numbers, than any other State in the Union, it is still more so in every other State.

If these premises are correct, and they are as nearly so as they can at present be made, the productive fund which yields the annual income of Massachusetts may be thus estimated: —

Labor worth	900,000,000
Skill and talent worth	466,666,666
Accumulated property worth	300,000,000
Making in all	$1,666,666.666

In what other country under heaven is industry and talent so rewarded? Assuredly, nowhere can they boast of such rewards as in New England; for these advantages are common, though in different degrees to all the New England States. And to what cause does New England owe this enviable superiority? The superiority of education, diffused by her common schools through her whole population, has enabled her to overcome the resistance of her inclement climate and her barren soil, and thus nobly to distance all her rivals in the career of improvement.

This have common schools done, but they have not yet exhausted their power. They are as yet only the rudiments of an institution destined to mould anew the character, to create anew the fortunes of the nations. He who measures their influence starts back in astonishment at the magnitude of the results already realized. He who considers what their influence might be, is no less astonished at the waste of our means, and the neglect of our resources. I hesitate not to declare my undoubting conviction, that throughout New England, we do not reap one tenth part of the harvest of benefits which our schools are capable of yielding us. I know, and I pledge my reputation on it, that a boy, twelve years old, and of average capacity, can be taught more of useful knowledge, better business habits, and better intellectual and moral habits, in two years, than our children ordinarily acquire between the ages of four and sixteen. What a fearful treasure of talent wasted, time misspent, a people's best energies dormant, and none to awaken them! Never was a reformation more imperatively demanded by every interest and every duty than in our common schools. A century ago they were a wonder and a praise, but now they are behind the age. They have made us what we are, but they have also enabled us to discover what we may be, what we ought to be, what we shall be, if we remodel our schools to meet the wants of the times. It is not enough that the school master is abroad, unless the school master is furnished and prepared for his vocation. No man pretends to play the violin, or the piano, until by long practice he has mastered its chords, or keys, but of those who undertake to operate upon that most complicated of all instruments, the human mind, how vast a majority are totally unacquainted with its nature and functions. What wonder at their ill success!

CHAPTER IV.

MR. RANTOUL'S POLITICAL PRINCIPLES EARLY MATURED AND CONSISTENTLY MAINTAINED THROUGH LIFE.

At the age of fifteen or sixteen years, he was deeply interested in great political questions. While at Phillips Academy preparing for his collegiate course, his youthful associates observed with surprise the attention he gave to subjects of this nature. His arguments in support of Free Trade at that early period, are still distinctly remembered; and many of the associates of his youth have had occasion to admire, in common with most of his countrymen, the power and genius which have successfully maintained opinions so early formed.

His youth was, indeed, distinguished by the ripe knowledge and judgment of manhood, on whatever subject engaged his attention. Not only did this singular maturity of thought belong to him, but his nature itself, the bent of his mind was favorable to the view which he afterwards took of political subjects. He was naturally just, sincere, and kind. He sympathized with the weak, rather than the strong, with the unfortunate and the oppressed, rather than the prosperous and the overbearing. As in the sports of his youth, so in the serious contests of his manhood, he naturally took sides with those who most needed assistance. His regards for men were founded more on their necessities and misfortunes, than their ability to recompense his services. Such was his habitual disposition. How much it was formed by wise parental influence and the sacred associations of his early home, from which his heart never wandered, it is impossible to estimate. Its result, however, was a practical Christianity, worthy of one who reverenced the great Teacher of religion, as the immortal advocate and defender of true liberty, equality, and fraternity among men. Believing morality the only reliable foundation of personal, or national freedom, and that the sway of justice is, by the ordination of Providence, progressive, Mr. Rantoul was cheered by an unconquerable trust in the ultimate triumph of human rights over the perversions of will and the accidents of fortune. Hence, it appears from his writings, speeches, and his whole life, that, while he followed no man with blind servility, he held the principles of the democratic party, as understood by its great leaders in the United States. He himself says: —

> There have been two great schools of politics in this country since the foundation of the government. To one of these schools I have always belonged. I think the maxims of that school essential to the durability of our institutions. It is not the expediency of party policy which seems to me to be involved. Two great fundamental principles as to how the Constitution is to be interpreted are involved. It is a question on which parties are now divided, and on which they always will divide to the end of time. Let us look at that question. The Constitution of the United States creates a government of limited powers. Are they to be held strictly to the limitations of that instrument? or are they to have a system of loose construction which will transcend those powers? That is the great question at the bottom of all our party divisions for sixty years past. Now I hold, and always have held, that the Constitution of the United States is an instrument which is to be strictly construed; that the Constitution is the letter of attorney by which the members of Congress are authorized to act, and that they are empowered to do nothing which it does not authorize them to do. That is my doctrine, and it is democratic doctrine.*

Eighteen years before he spoke thus, he took the same view of the value of the Union and of the Constitution, the same view of the slavery question, the same of commerce, banking, and the currency, and every other great political question that he has since held, and has tried the nerves of the statesmen of our country. Mr. Rantoul did not speak what he could not prove to be true. His political opinions in 1833, were, on all these great subjects, the same that he so fearlessly avowed in 1851. It may be affirmed with confidence, that no American, of equal political standing, ever expressed his opinions upon all subjects of public interest, when called upon to do so, with more ingenuousness, frankness, and honesty, or maintained them with more consistency, than Mr. Rantoul. This fact will be remembered to his lasting honor. He never had an opinion, with which the public had any concern, that he was unwilling to utter. He never refused to give, without guile, or equivocation, reasons for the faith that was in him; reasons which decided, at least, his own judgment. But let him speak for himself. The following is an extract from an article written by him, and published in the Gloucester Democrat and Workingmen's Advocate, 1834: —

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* Speech at Lynn, 1851.

From the adoption of the Constitution to the present day, two great parties have divided the people of the United States. The one apprehended serious danger from the inherent weakness of our government. With the spectacle of the French Revolution then exhibiting before their eyes, they trembled for the efficiency, and even for the stability of the new institutions. They prognosticated that the federal government would be imbecile and probably short lived. Referring then to the example of Great Britain, they saw a government, standing firm in the midst of popular commotion, and they sought to strengthen the imaginary weakness and supply the supposed deficiencies of our own Constitution, by transplanting British engines of influence to accumulate power in hands that could wield them.

The other party apprehended dangers equally serious from the disposition of the government to increase its powers; and they feared, if this disposition were not checked, it would ultimately be too strong for our liberties. They cast their eyes over the world, and looked through the history of past ages, and they saw everywhere that the tendency of all power is to take to itself more power. They judged because the French government had once been too strong to feel the popular influence, that it had now become too weak to withstand the popular reaction. They esteemed the firmness of the British government to be purchased at too dear a rate when the people were crushed beneath its burdens; and they protested against the introduction of British practices, or indeed of any practices not warranted by the letter of the Constitution.

The experience of forty-five years has shown that the latter party were correct in their views. Never has the government proved, in any one instance, too weak to accomplish its legitimate purposes: often, and in a great variety of instances, has assumed powers not granted by the Constitution.

The fundamental article in the democratic creed is this — that the general government ought to be strictly confined within its proper sphere. In the words of Thomas Jefferson, taken from an official opinion drawn up by him while secretary of state, they "consider the foundation of the Constitution laid on this ground, that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or the people. To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power no longer susceptible of any definition."

Congress very soon overstepped these boundaries, and in spite of an obstinate resistance from the democratic party, from time to time, enacted such legislative constructions of the Constitution as made it a very different thing from what the people thought they had submitted to. The question whether we were to live under a limited or an unlimited government, was decided in favor of the doctrine that the power given by the Constitution to collect taxes, to provide for the *general welfare* of the United States, permitted Congress to take every thing under their own management which *they* should deem for the *public welfare*, and which is susceptible of the application of money.

So alarming were these assumptions of powers not delegated, that the people were roused to resist them. The election of Thomas Jefferson, and his untiring efforts through the eight years of his presidency, did much to restore the administration of the government to its original constitutional simplicity. The natural tendencies, however, of interest and ambition to steal power from the many and deposit it with the few, were too strong to remain dormant. They soon began to operate in the old way with new vigor. After the close of the late war, (with Great Britain.) a splendid system of consolidated government was devised by J. C. Calhoun, then secretary of war, and advocated by George McDuffie, in an able pamphlet, and by Henry Clay in the house of representatives. This system held up glittering prizes for ambition. It was calculated to enlist in the service of its leaders all the wealth and all the talent in the nation, that was not restrained by principle. It was the conspiracy of avarice against liberty. To beguile if possible the unthinking, it was called the American system; though as Daniel Webster justly observes, in one of his tremendous philippics against it, deserved rather to be called the British system, being copied in all its prominent features from the practice of the British government. The true American system is a system of equal rights, equal burdens, and free trade. The system introduced by Calhoun and Clay, was a system of partial privileges, partial taxes, and universal restrictions.

Such is the view which in 1834 Mr. Rantoul took of the principles of government, and of the two great parties which divided the suffrages of the people. They are principles which he held to the last, and which he did more to effectually vindicate than any other man of his age in the United States. His newspaper essays, which he commenced writing in his twenty-second year, show a clearness and depth of thought, and a force of reasoning which would have been honorable to the most practised logician and experienced statesman. His brother-in-law, Charles W. Woodbury, commenced in 1834 the publication of the Gloucester Democrat and Workingmen's Advocate, a newspaper in which the democratic cause, the cause of humanity and of progress, was advocated by Mr. Rantoul, with a power and effectiveness unsurpassed in editorial annals. The late Governor Hill, of New Hampshire, declared it to be the best democratic paper in New England. Although Mr. Rantoul was not its nominal editor, or responsible for all that appeared in it, yet it owed to his indefatigable industry, accurate knowledge, and sound reasoning, whatever good and effective service it performed in behalf of democratic principles. His communications are brilliant with every kind of information honorable to the statesman and the philanthropist. They were devoted to a great variety of topics. Every good cause received his support — an able and earnest support. His statements of facts and principles were always reliable. If they seemed to flow without effort from his tongue or his pen, they were not made without a thorough and complete knowledge of the evidence of their correctness and of his ability to show it. In 1836 he asserted "there cannot be found in the Gloucester Democrat from its commencement an instance of false quotation." This extreme accuracy of reference to the historical, or statistical authorities upon which he relied, gives both argumentative force, and permanent interest and value to all his writings and speeches.

In two articles in the Gloucester Democrat of January, 1837, Mr. Rantoul gives his views of the importance of districting the State without regard to county lines, for the choice of senators, on the basis of population. In the first, of January 20, he says: "The report of last year, for amending the Constitution in regard to the apportionment of the senators to the respective senatorial districts, has been called and committed in the senate. This proposed amendment recognizes the principle of apportionment according to population, to be substituted for the present one of taxes paid. This is well as far as it goes, but in reforming and improving our Constitution of government, the great principle of equal representation, and the simplest, safest, and fairest mode of representing the will of the majority of the whole people in each branch of the legislature, should be sought after, and as far as practicable be adopted. The manner in which the senatorial districts are formed by adhering to county lines, produces as great inequality as the apportionment by taxation, as it has been practised for the last fifteen years. The inequality of this mode may be seen, when it is considered that some of the counties are so large, as to be entitled by population to six senators, and to leave a fraction unrepresented, while others are so small as to be entitled to one or two senators, and leave a fraction unrepresented equally large as in the largest county.

"To obviate this objection as far as may be, let the Commonwealth be divided into forty districts, and nearly equal in proportion as they can be by classing together contiguous towns, and by dividing the city of Boston by the existing wards, and let each district thus formed elect one senator. The council should be chosen in the first instance from the people at large, either by the legislature or by the people, by a general ticket. Those who are engaged in obtaining the substitution of the principle of population for that of taxation, will find a smoother path and encounter fewer obstacles by proposing at once the formation of equal districts, and thus securing, as far as may be, equal representation combined with the greatest simplicity."

In the second article he said: "Why adhere to county lines? The meetings for elections are not held by counties: the returns of elections are not made to county officers. Counties are constituted for altogether different purposes. If a representative body is to be constituted to make laws to bind the whole, ought not each voter to have equal power in electing this body? By the present arrangement of the senatorial districts, it appears that a vote in Suffolk or in Nantucket and Dukes county has very nearly three times the political power that a vote has in Barnstable and Franklin, and more than twice the power of one in Plymouth. To be sure this great inequality may in some degree be lessened by an apportionment among unequal districts, according to population, but it cannot be rendered so nearly equal as by a division of the State into forty districts, without, however, dividing towns or the existing wards of cities. The extreme results that occur in regard to the strength of political parties in the senate, by a choice to be made by districts varying in their population from ten to eighty thousand, would always be prevented by a division into equal districts, each being entitled to elect only one senator.

" Within a very few years, when the democratic party comprised a very considerable portion of the people, they have been represented by a single member in the senate.

" The simplicity of an arrangement which will give to each voter the nearest possible connection with his representative in the first branch of the legislature, is a great commendation of it.

" The city of Boston, that is, that party who now control the people of that city, may object to a choice of senators by wards, but when did not they object to any measure that would divide their influence and lesson their aggregate power? Is it not sufficient that the minority, however numerous, should be excluded from representation upon the floor of the house, without also depriving them of all chance of having a representative in the other branch? But what is good, right, and proper for the rest of the people of Massachusetts is so for that portion who live within the limits of the city of Boston."

His articles in the journals of the day are so thoroughly republican, that to quote them, to prove the genuineness and strength of his attachment to those democratic principles of government of which Jefferson was believed to have given the best exposition, would be to gild refined gold. Mr. Jefferson himself was never a more earnest and faithful friend of republican liberty than Robert Rantoul, Jr., from the commencement to the close of his political life. The support he gave to the administration of Jackson, who, in the office of president, as in that of general, discomfited the enemies of his country, and whose opinions and Jefferson's were identical, was at the same time ardent, able, and effective. It was the result of opinions which had grown with his growth and strengthened with his strength. To quote the many sound and brilliant articles in which he advocated the claims and justified the course of this administration, the most illustrious since Washington's in patriotic and beneficent results, would be to transfer to these pages the greater part of the original articles which, for three years, made the Gloucester Democrat one of the most able republican journals in the United States. A few extracts, therefore, must suffice: —

Mr. Jefferson had put the question, what is our resource for the preservation of the Constitution? Our only resource was to place in the presidential chair a statesman of democratic principles, and of energy sufficient to rescue the Constitution at its last gasp. This could not be accomplished unless the whole democratic party could unite in the support of one man possessing the unbounded confidence and expectation of the nation. Providence, which in great perils raises up great deliverers, gave us the man. Every vote south of the Potomac, every vote west of the Alleganies, with a large majority of the suffrages of the Middle States, elected Andrew Jackson.

He undertook the execution of his Herculean task with undaunted resolution, and pursued it with invincible perseverance. No threats could intimidate him, no allurements draw him, no obstacles turn him aside from the path of duty. The reform commenced at once.

The requisite changes in the agents employed by the government were directed, and immediately the democratic doctrine of rotation in office was bitterly reviled. The system of heavy taxes on the poor for the benefit of the rich was assailed, and a general outcry of indignation from the capitalists, whose interests were implicated, showed that he had awakened the wrath of a class who can seldom be touched with impunity. He went on coolly and steadily, however, never relaxing in his exertions till the duties were reduced to the revenue standard. The log-rolling system of unauthorized internal improvements was prostrated at a single blow — the Maysville Road Bill veto settled that question — and the opposition burst out in clamorous exultation. He had undertaken more than he could accomplish, they said; instead of destroying the system, he had destroyed himself! "The cry is now for Clay," said the Register: "The whole West is for Clay," said the Sentinel; "The name of Clay resounds from the mountains to the Atlantic," said the National Journal; "It is folly to attempt to conceal the fact that Jacksonism is down in the West," said another; "By 1832, the whole country will be for Clay," said another.

The old hero heeded this uproar not at all, but kept steadily on his course. There remained one more infraction of the Constitution to be redressed. The United States Bank had been chartered in defiance of that instrument; it had become the most dangerous foe of our liberties, and it put forward pretensions which amounted to a claim to perpetuity. The president had manifested his determination to restore the integrity of the Constitution, and to confine the action of the government within its legitimate limits. The bank accordingly took the field against him. It used the money of the stockholders and of the people, to electioneer for a recharter and against the president of the people's choice. It pushed forward through both houses a bill to prolong its own existence, and the president promptly met it with a veto. The issue was then fairly before the people. Patriotism and self-devotion unequalled, innumerable services performed, and an arduous service yet to be perfected, on the one side; monopoly, corruption, and intrigue on the other. The bank did all that money could do. It bought the venal, cajoled and intimidated the weak, and deceived the simple; yet the result showed that the democracy were too upright, too independent, too intelligent, to be made slaves to a corporation which they had always detested. The people's candidate received TWO HUNDRED AND NINETEEN VOTES; the candidate of the bank, Henry Clay, received FORTY-NINE.

The wrongs of the consolidation system had excited to madness a portion of the South; they threatened by an organized rebellion to overthrow both the Constitution and the Union. The sagacity, firmness, and decision of Andrew Jackson averted this calamity. Nullification and consolidation received their death blow from his hand, and have gone down to dishonored graves together.

The enemies of the Constitution, who would build on its ruins a government of unlimited powers, the enemies of the Constitution, who would wrest from the government its legitimate authority, have forsworn their names, shuffled out of sight their principles, patched up a short, hollow, and heartless truce, and for the last six months have been walking in masquerade. They have folded up their tattered banners, and tried to rally their broken ranks under the bank flag.

But the monster itself has received its mortal wound. The government has exercised that power, which is reserved by the bank charter, which Jefferson recommended should be used, and which a committee of the friends of the bank pointed out as the "salutary corrective to punish any attempt of the bank to bring its pecuniary influence to bear on the politics of the country." The bank party staggers under the blow. In their last and desperate onset upon the democracy, certain defeat awaits them. But our victory is not to be won without effort, and it becomes every lover of liberty to be up and doing.

In this great contest we take our stand, and shall maintain it on the people's side. We go against monopolies, against exclusive privileges, against unequal taxes, against all other usurpations and oppressions on the one side, against disorganization, disunion, and civil war on the other. We hold with our patriotic president, that "THE CONSTITUTION AND LAWS ARE SUPREME, AND THE UNION INDISSOLUBLE." We go for equal rights, equal laws, equal taxes, equal privileges, — for liberty for the democracy, for the whole people.

Some of the opposition presses were uninformed, or inconsiderate enough to accuse General Jackson of a disposition to squander the public money. To this charge Mr. Rantoul replies as follows: —

It does not become that party who have increased the expenses of the government of the State of Massachusetts while it was entirely in their own hands, till they far exceed those of ALL THE OTHER STATE GOVERNMENTS IN NEW ENGLAND PUT TOGETHER, to ask this question. Still less does it become those who, by their own factious wickedness, have squandered the public treasures, to turn round upon the most economical administration the country has ever seen, and to charge General Jackson with their own acts done in defiance of his repeated recommendations.

1. By his veto on the Maysville Road Bill, General Jackson stopped appropriations then pending or proposed, in one stage or another, which amounted to more than TWENTY MILLIONS OF DOLLARS, and saved so much money *directly* to the nation.

By that act he put a stop to the log-rolling system which would have made the whole revenue of the tariff of 1828 necessary, and in a short time would have cost the nation twenty millions of dollars every year, and would have made it impossible to pay off the national debt, besides endangering the stability of the Union. Jackson prevented these expenses, and thereby brought about the repeal of the tariff, paid the debt, and saved the Union.

By this act he gave up that vast executive patronage, so tempting to vulgar ambition, which that system carried with it; he DECREASED, and to an immense extent, more than all the other presidents together, his own prerogative and influence; he exhibited to the world the extraordinary and sublime spectacle of the chief magistrate of a free republic *refusing to accept a tremendous accession of power which the opposition to his administration attempted to force into his hands*, but which he sternly rejected, because the public good did not require that he should have it, and the Constitution, *as he understands it*, forbade its exercise. Yet with the act of more than Roman firmness before their eyes, we every day hear simple innocents prattling about a "high prerogative" as if they imagined that charge would apply to him, who has redressed the wrongs of the violated Constitution, reversed the usurpations of the general government, and done more to reduce executive prerogative, than any other president, indeed, than all other presidents together. If they know the charge is false, we pity them; if they do *not* know the charge is false, we pity them.

This fact explains how it is that the expenses have not increased twelve or fifteen millions more than they have done, and why they will not ultimately increase twenty millions. To Andrew Jackson, *and to him alone, in spite of opposition*, belongs the credit of this great retrenchment.

2. Of the increased expenditures of the government for the last four years, the greater part, namely, *fifty-five millions six hundred thousand dollars* have been paid on account of the national debt, most of this sum having been rescued from the slough of unconstitutional internal improvements, solely by the energy of the hero, and the national debt thereby discharged, besides relieving the people from many millions of annual taxes.

3. *The annual estimates* furnish the measure of the extravagance or economy of any administration, because they state the limits within which it will undertake (if Congress concurs) to confine the public expenses. If Congress orders the president to expend *thirty per cent.* more money than he asks for, as they did last year, is that his fault? He must obey the laws, however much he may disapprove of them. In 1833 the estimate for the year included four millions of dollars for revolutionary pensions, under the act of June, 1832. Unless the coali-

tion are willing to give General Jackson all the credit of that act, they must deduct the payments under it, before instituting a comparison. Having made this deduction, the estimates for the last five years will stand,

1829	$23,245,963
1830	22,263,626
1831	21,852,911
1832	22,864,099
1833	21,295,237

It must be recollected that the estimates for 1829, were made by Adams's administration before it went out of office; it will then be noticed that the estimates have been less every subsequent year (omitting lost pensions) than they were in that year — less by an aggregate of about FIVE MILLIONS, than they would have been at the Adams standard.

4. The excess of the appropriations of Congress over the estimates, will show how much money has been expended, which, in the president's opinion, the public good did not require, and which the president did not ask for and did not want. In 1833, the appropriations in contempt of the president's recommendations, exceeded *thirty-two millions.*

Mr. Rantoul always evinced his deep sense of the responsibility which rests on every citizen of a republic. In the Democrat, November 11, 1834, he said: —

Our fathers, when they gave us a republican government, well knew that it could not be maintained without unwearied watchfulness. Their legacy is not only a gift, but a charge. The condition on which liberty is granted to men is eternal vigilance. The very nature of our government, depending entirely for its vigor, utility, and existence on the people, on each and every citizen, demonstrates to us that on every citizen rests a responsibility. Every man is bound to act in view of this responsibility; to remember that he is part of the government, a pillar in the temple of liberty. He has no right to fold his arms in indifference and to say, that he cares for none of these things, that he cares not who rules, or what principles are triumphant, that he asks only for ease and quiet, and to turn round and expect you to praise him for his moderation and humility. It is this indifference, this selfishness, this fear of action, this retreating from the field, which has given demagogues courage and confidence, which has enabled them to ride over honest men, and to lead away the unsuspecting. Some men of honest intentions are too easily discouraged. They see at times unprincipled politicians elevated to seats of power; they witness the temporary triumphs of demagogues and disorganizing principles, and they are tempted to despair of the republic. They retire from the contest in disgust and contempt. But such men are not fitted for a republican government. Depend upon it, the people will ultimately do right. Let every honest man buckle on his armor, let him use his influence, his talents, his information, to advance the cause of correct principles, and let him not be ashamed to speak and act as an independent freeman, and the reign of demagogues is at an end in Massachusetts.

What a noble commentary on his precepts and principles thus avowed, was his whole life! What freeman was ever more independent in speech, more inflexible in action, more devoted, with all his powers, to political truth and liberty? On whatever subject agitated the public, or involved the interests of the people, he was prepared with well-studied convictions, which he never hesitated to express. In the cause of truth he was fearless, without ostentation of courage, and unpretending, without affectation of modesty. He respected no man's person, but felt his responsibility to a higher than human power. The unjust demands of mere sect and party he trampled under his feet. Let an object appear to him just, important, and practicable, and he was at once its ready advocate. He did not stop to inquire how his personal interests were to be affected, or whether the object was favored or opposed by this or that man, by this or that party. Is it right? Is it best for the people? These questions determined his course, and that course from beginning to end was a consistent one.

In his creed and principles as a public man there was a unity, a consistency, and a symmetry, which could have been the result only of high moral and intellectual excellence. As from a single column, entablature, or architrave of a Grecian temple in ruins, may be inferred the original style and exact proportions of the whole, as it stood in its glory; so from a single and explicit declaration of opinion by Mr. Rantoul on any one great political question, not only his view of it at any other period of his public life might be known, but such was the congeniality of his principles, that the deliberate announcement of them upon one great topic of general interest, indicated with sufficient certainty his manner of viewing every other. No man could have been more free from an ignoble subserviency to circumstances, times, and parties, or more completely removed beyond all merely selfish considerations. The question of his consistency, he was ready and proud to meet anywhere, and at any time. He affirmed, with the strictest truth, that not one word that he had ever uttered in any public speech, or had written in any printed letter, or any document intended to be an expression of his opinions, could be found to convict him of inconsistency. In his speech March 9, 1852, in the United States House of Representatives, he said: "What I have done for the last ten years has not been done in a corner. I have spoken all over New England, and in New York, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, and Missouri, and I challenge any man, who has heard any public address of mine, to come forward and convict me of inconsistency upon any great national question. That is my challenge; and I think it is quite broad enough to cover all supposable cases."

When it is considered how various and interesting were the important questions upon which the opinions of the people were divided, and upon which Mr. Rantoul was often called to speak, his independence will appear not less striking than his consistency was unquestionable. The stand he took on the convent indemnity question, on establishing the Board of Education, on granting State aid to the Western Railroad, on religious toleration, on codifying the common law, on the best means of promoting temperance, and on other questions which came up in the Massachusetts legislature, as well as on the fugitive slave law, etc., in Congress, evinced in him a fearless devotion to the cause of truth, liberty, and justice. Equally plain is the systematic homogeneousness of his principles. They had a common nature. Observe how his free trade opinions harmonized with his efforts to increase the facilities of intercourse between distant communities and States; with his cherished confidence in human progress and the advance of civilization; with his philanthropic views of legal reform, and the repeal of all laws which require cruel and useless modes of punishment; with his so deeply felt and frequently expressed detestation of every form of human slavery, whether of opinion, or of that form of servitude which, in republican America, holds three millions of human beings in hereditary bondage, (of which his opinion in 1838 was the same as in 1852); everywhere, and at all times, he was found on the side of freedom. This position will be sustained in the following chapter. The present must close with the republication of several of his earlier productions.

I. An oration before the inhabitants of South Reading, on July 4, 1832. This first of his published addresses shows his familiar acquaintance with the history of our own country and Europe, and a just estimate of its facts, and their application to the political instruction of his auditors, gives it a permanent value which justifies its republication.

II. An oration delivered before the Gloucester Mechanic Association, on the 4th of July, 1833. It is here republished as Mr. Rantoul presented it to the Workingmen's Library, Vol. I. No. 5, entitled, "The Value of the Federal Union calculated." In commendation of the just thoughts, the historical knowledge, and the elegant reasoning of this address, Mr. Rantoul received from Mr. Marshall, late Chief Justice of the Supreme Court of the United States, a letter, in which that eminent man expressed in strong terms his gratification in perusing it, and pronounced it the ablest view of the subject that had been given to the American public.

The following very just remarks on this address are from the Boston Atlas of July 27, 1833: "Mr. Rantoul shows, by an able analysis of European politics and history, that all the social grievances under which our European neighbors labor, owe their origin and support to *war*, and the *liability to war*, to which the European nations from the nature of their situation have always been exposed. War has been the origin of privileged classes, standing armies, *strong* governments, heavy taxes, overwhelming debts, and, worse than all, of the poverty, ignorance, and degradation of a large proportion of the population, which make reforms so dangerous, though not the less necessary and inevitable. War, and the liability to war, is the great enemy to liberty, introducing the necessity of intrusting great power in few hands, of degrading and impoverishing the people by heavy taxes, and military service, and of conferring splendid rewards on warlike genius and success.

"Now a state of occasional warfare, and of constant *liability* to war, would be the inevitable and undeniable consequence of a dissolution of the American Union; and this new ingredient in our social relations would not fail to produce here the same consequences it has produced in Europe.

"This liability to war, in case the Union should be shattered into a number of disconnected States, would on some accounts exist here, in a higher degree than it ever has in Europe; and Mr. Rantoul refers to the absence of all natural barriers and lines of demarcation, that facility of intercourse, so remarkable throughout our extensive territory, the existence of a common language, and of common and interwoven interests, — all justly regarded as great blessings so long as the Union continues, — as certain, in case of a separation, to multiply a thousand fold, the chances and the causes of war. That constant progressive march of settlements and increase of wealth and population, in which we now exult, should the Union be dissolved, would be turned into a curse, and by continually disturbing the *balance of power*, would introduce a new source of discord and war. The two opposite principles of a tendency to further subdivision, and the disposition of large States to swallow up or tyrannize over their weaker neighbors, would throw new ingredients into the caldron of discord and *foreign intervention*, with all its attending dangers and humiliations, would add, if possible, to the misery of a situation, of which arbitrary power, standing armies, oppressive taxes, public debts, a military nobility, and a crushed, degraded, wretched *populace*, would be the natural and unavoidable results.

"Any body who will read Mr. Rantoul's oration, will be satisfied that this terrible picture is not the creation of a heated and excited fancy, but is traced by the hand of philosophy, and shaded by the pencil of the historic muse."

III. An address to the Workingmen of the United States of America, as it was published in the Workingmen's Library, 1833.

If the incessant industry of an ever active mind, devoted to the acquisition and the beneficent use of knowledge can entitle one to be considered a workingman, and can qualify him to speak wisely and effectively to his associates of all pursuits, favorable to human happiness, Mr. Rantoul certainly possessed the requisite qualifications. A lasting interest will always attach to the wise and philanthropic sentiments of this address.

IV. An oration at Scituate, on the Fourth of July, 1836. This oration is full of matter of permanent interest. It is marked by great care in the positions assumed, and by extensive research in sustaining them.

V. Extracts from an oration delivered at Lenox, before the citizens of Berkshire county, July 4, 1838, on the true basis of free governments.

ORATION AT SOUTH READING.*

It is a very common remark, and I do not care with whom it originated, — it is none the less true because it is common, — that the world is governed too much. Fifty-six years ago, on the day we are met to celebrate, three millions of people, of the freest and best governed among the inhabitants of the world, impressed notwithstanding, by their own experience, with the truth of this maxim, met together, by their delegates, whom they had authorized and empowered so to do, solemnly proclaimed to the world, that, for the future, they and their descendants would not be governed too much. Whether under all the circumstances this decision was wise, whether it can and will be carried successfully into effect, is for the present generation and for posterity to determine. The question is of universal interest, the experiment is a grand one; the eyes of all mankind are upon the actors, and anxiously awaiting the issue. If self-government in this full and fair trial of its capacities be found to fail, the hope of liberty is gone forever. If, on the other hand, it should be found able to meet that absolute necessity out of which governments grew, if it should be found competent to fulfil all those high purposes for which governments are maintained, especially if it should be found to answer the ends for which men in society have mutually surrendered some portion of their natural freedom, with less encroachment on their natural rights, at a cheaper rate and in a more satisfactory manner, by a shorter, simpler, surer, and more efficient process, it is not presumptuous to foretell, that sooner or later the example will be every where imitated, and that in the progress of time, as surely as ages roll on, the day will come when the light of liberty shall shine on all who now sit in darkness, when over all her wide spread continents and among all her widely differing races, the world shall no longer be governed too much. If this be so, my friends, if the future destinies of mankind no less than our own welfare do in a great measure hinge upon this question, it is important that we should discuss and understand it: and I do not know of any opportunity more fitting for the discussion than this anniversary, filled as it is with associations which awaken all our noblest sensibilities, and kindle into a lively ardor that affection for our common country which we all profess to feel.

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* Delivered before the inhabitants of the town and its vicinity, on the Fourth of July, 1832.

All nations in all ages have set apart seasons of thanksgiving for great national blessings, and more especially days whereon patriotism might delight itself in the recollection of great national deliverances. The ancient people of God had their feast of tabernacles, their passover and their jubilee, and on those solemn occasions, when all the tribes of the land went up to pour forth their common gratitude in the temple of their common Father, grand and imposing indeed must have been the spectacle. An institution so beautiful could not fail to spring up spontaneously and under a great variety of forms, among the people of classic antiquity. The Greeks, our preceptors in matters of taste, the Romans, who, whatever we may lay to their charge in other respects, we may safely pronounce to have been models of patriotism, honored their heroes while living, and their memory when dead, and distinguished also the days and the places marked by their achievements, with triumphs, games, festivals, and other tokens of public regard and interest, which have so often been described that I will not trouble you with the repetition.

The custom is good: it is founded in natural feelings, and worthy to be perpetuated. And certainly, among the blessings which deserve thus to be commemorated, national independence ought to hold the first place, since without it no rational liberty can be enjoyed, and without liberty all other blessings are worthless. The Sabbath, which, with a slight departure from its original institution, all Christendom now holds as holy time, was ordained to be observed by the Hebrews through all their generations, as a memorial of their deliverance from slavery — "for in that day the Lord brought thee out of the land of Egypt and out of the house of bondage." The Catholic church, the universal church, as it is proud to call itself, has filled its calendar with days of observation. The birth of its saints, the sufferings of its martyrs — nothing that ought to be remembered, is forgotten. It keeps high festival on every day marked by any extraordinary event in the history of its early progress. We moderns, and protestants, and on this side of the Atlantic, have but few such festivals, whether of religion or of patriotism, remaining; we should therefore be so much the more zealous to nourish and to keep alive the genuine spirit of the few that are yet left to us.

If then it be true, that the days when signal blessings have been bestowed, ought to be consecrated in after years; if it be undeniable, that of all national blessings independence is the greatest; it is manifest that beyond any event, that any nation was ever called upon to celebrate, these United States of America are emphatically called on to celebrate the birth day of their independence, since it has secured to them a greater amount of civil and political liberty than is enjoyed by any other nation on the face of the globe. The yeomanry of New England, who fought the battles of the first campaign, the people of Massachusetts, among whom the contest originated, may rightfully claim a large share of the glory, and therefore have peculiar reason to keep alive the remembrance of the struggle by which independence was secured. Least of all should we forget it, we, the men of Middlesex, to whom belongs so liberal a portion of the rich inheritance of our fathers' glory. The county of Middlesex is the classic ground of American history. Lexington, where was shed the blood of the first martyrs in the holy cause; Concord, where the first effectual resistance was offered; Bunker Hill, where the veterans of the mother country were first taught to suspect that skill and discipline and British valor, might buy their victories too dear; Charlestown, offered up as one great burnt sacrifice; Cambridge, the head-quarters of Washington while Boston was in the hands of the enemy; these, to enlarge no further, these with their thousand cherished traditions, are all our own. Well may we exult as we enumerate them: these were the scenes of the first act in the bloody drama, and it is an hereditary honor of which republicans may be proud, that our fathers were the actors, that here they got them a name and a praise among the nations. Lexington, Concord, Cambridge, and Bunker Hill! These magic names bring before us at once the whole array of patriots and sages, and recall all their eventful story, with its romantic reality. Imagination pictures the leaders, and marshals the ranks; we are hurried back to the times that tried men's souls, and our bosoms glow with corresponding emotions. The American Revolution deserves to be commemorated by you, men of Middlesex! on this republican jubilee. It presents itself in imposing aspects. It opens a field in which there is room to expatiate widely, and yet leave the subject unexhausted. Spirit-stirring reminiscences, told and written, sketches vividly portrayed and of absorbing interest, rush at once upon my recollection, and almost tempt me to indulge in the enthusiasm which the moment inspires. But while my heart swells with the grandeur of the theme, I cannot but be forcibly struck with the futility of attempting to do it justice. What part of the habitable world has not rung with the story of your fathers' wrongs and of their manly vindication? In what part of the world is there strife now raging between the oppressor and the oppressed, that it is not quoted day by day, making the ears of tyrants to tingle? From hoary age to helpless infancy, who that has ears to hear is not familiar with it? Whose breast, of all that listen to me, is not throbbing with sensations which language is not adequate to express; to describe which were to degrade and to abuse what cannot be described; to analyze which were to anatomize beauty, to exhibit that lifeless, whose essence is life and health. No, gentlemen, no! It is not my part to inform your intelligence, or to heighten your emotions. All of you have heard, and some of you have seen, and known, and felt in your own persons, (long may these honored representatives of a race of heroes be spared to the circles they adorn,) the sternness of resolve, the dauntless bravery, the long enduring perseverance through unmitigated suffering, the self-denying patriotism, the unalloyed devotedness, which characterized the men of seventy-six, which bore them through the fiery trial, and stamped them to be nature's noblemen. Why, then, let these things speak for themselves — they need no eulogist.

To gild refined gold, to paint the lily,
To throw a perfume on the violet,
Were wasteful and ridiculous excess.

Old men, your meditations are eloquent beyond any thing that can be addressed to you. Young men, read the record, and then confess, that it is not any oratorical flourish, any petty artifice of rhetoric, that can add brilliancy to the lustre of your fathers' glory. Their deeds magnify them; their works praise them in the gates, and words must forever fall far short of their praise.

Passing by, therefore, the more obvious topic of discourse on this occasion, a humbler task I will undertake with alacrity — the discussion of the question, whether the American experiment of self-government is likely to be a successful one — a question on whose doubtful issues hang the hopes and fears, as has been already intimated, of the friends of liberty in all quarters of the globe and throughout all coming ages. A humble task, since it furnishes little scope for ambitious declamation, and debars from the opportunity for those appeals so easily offered and always favorably received, to your national pride; but perhaps a more important service, could it be adequately performed, inasmuch as information is better than adulation, and truth of more value than flattery. To qualify ourselves, therefore, for the decision of this great question, let us consider some of the causes and some of the consequences of American independence. The personal obversation of each individual supplies him with the dear bought wisdom of experience, but history is the only teacher who can exhibit lessons for nations. In the events which history transmits, the voice of Providence seems to be addressing the rulers of the world. It seems to admonish them, in solemn and impressive tones, to profit by the severe yet voluntary warnings which past errors, past crimes, and past calamities, afford for their edification. "Be wise now, therefore, oh ye kings! Be instructed, ye judges of the earth!" In America the people are the sovereigns, and in order that they may govern well, they must govern understandingly: they must recognize the causes and the consequences of great political events.

The causes of American independence lie deep in the character of the continent itself, in the character of the times in which it was discovered and colonized, and in the character of those who colonized it. Subsequent events tended to develop these causes, but they were operating surely though slowly, and sooner or later must have produced their effect, even though those events had never occurred. Let us dwell for a moment on each of these particulars.

The character of the times in which the discovery and settlement of the new world took place, first demands our attention. To an ordinary observer living at that period, the times would not have appeared peculiarly propitious to the growth of the spirit of liberty. The fierce democracy of Athens, the unrelenting sternness of that unnatural code by which Sparta strove to eradicate all the finer feelings of humanity, and to condemn her whole male population, to serve forever as an armed garrison under martial law in the midst of enemies; supported by the labors of slaves of kindred stock, extorted from them at the point of the sword; both these chimerical systems had ages ago proved, equally, total failures. So it was with the lesser republics, all had proved unable to sustain themselves, oblivion had closed upon them, and the torch of Grecian liberty was extinguished forever. The grinding despotism of the privileged orders of Rome, a form of tyranny to which the despots were pleased to give the name of a republic, had never permitted any real liberty, save to the patricians liberty to oppress. It trampled the mass of the people beneath its feet, as vessels formed of a different clay and ordained to dishonor. For them its only provision was hereditary, intolerable, hopeless servitude. It consigned them, without prospect of relief or mitigation, to eternal poverty and misery at home, and for all this they were consoled by the glory of the Roman name abroad. It made them general robbers, but the booty fell to the share of the leaders of the gang. From a den of famished wolves prowling for prey, it made the seven hills the head-quarters whence its victorious bands issued resistless to plunder and to conquest, and finally the storehouse of the accumulated spoils of the whole known world, civilized and barbarian. Throughout the course of this unparalleled career its essential features remained the same. The kings were driven out because Roman ears would no longer endure the name of king: but a double annual monarchy succeeded, and rods and axes, no idle ceremony, were borne before the consuls. It was a great accession to the already vastly predominating weight of the oligarchy in the state, when from year to year they could deposit this enormous executive power in what hands they pleased. They had swept away the only check which could stand in the way of their projects of aggrandizement, an hereditary chief holding office by a tenure independent of their will. They had gained an exorbitant increase of strength, and the people for compensation had got rid of an odious word. Thenceforth the government was more purely aristocratic than ever, and Roman patriotism, still stronger than death, was more truly what party spirit in other countries has been well said to be, "the madness of the many for the benefit of the few." The government was the military government of hereditary captains, over starved, unpaid, and despised soldiers; and this government the permanent council of war which directed its operations, the haughty senators, dignified with the name of a republic; and the moderns, because they had no other name to bestow upon it, ratified the title. When the power passed from the hands of the patricians, exhausted with intestine dissensions, and centred in the person of a successful commander, liberty lost nothing by the change. The republic, if so it must be styled, was struck out of the list of republics by the union of all powers under one absolute head: but the forms of republicanism, which, so far as the rights of the unprivileged people were concerned, had never been any thing but forms, were sacredly preserved; and the people certainly lost none of the substance of freedom when their slavery was transferred from many masters to one. The iron rule of the emperors, indeed, while it bore more heavily upon the unsubdued spirits of the patricians, was on many accounts less galling to the subject people, and brought them, at least for several centuries, some alleviation of their burdens. The magnificent fabric of the empire was doomed also to have an end. It fell into the hands of bad men, and was administered with indescribable profligacy and atrocity. It gradually lost the affections, ceased to command the respect, and at last relinquished its hold on the fears of the subject nations. Its decay impaired its vital energy, its corruptions hung like a millstone about its neck, it tottered long, and at last a vigorous external impulse precipitated it in ruins. None lamented its fall. It sunk loaded with the curses of millions, and was overwhelmed by the torrent of barbarian invasion. Out of the chaos that ensued was to be generated a prodigy more portentous than the republic in its most victorious career, or the empire at the height of its uncontrolled dominion. An element of power had in the meanwhile been growing up, advancing silently but irresistibly, opposed to which all other influences were to be stripped of their force, and which was to subdue beneath its sway alike both the conquerors and the vanquished. Religion had never hitherto played any but a subordinate part. It had been a useful servant, but it had never pretended to act independently; much less had it attempted to dictate to the civil authority. Now, however, when the empire is dismembered and the fragments left masterless, when thrones and potentates are prostrate, and so great the confusion that government cannot be constructed again out of the ordinary materials, religion suddenly presents herself under a new aspect, as a political ruling power, not an engine in the hands of the statesman as it had always been, but as itself a power, and ready to meet the crisis; able to reconstruct the social edifice when every other power is confessedly incompetent to the task; profiting by the convulsion which confounds every other interest, peculiarly fitted to ride in the whirlwind and direct the storm. Such religion rose in her might. Fixing her lever upon the hopes and fears of another world, she had found the pivot which Archimedes desired; there was nothing in this world which she could not overturn. Much progress had she made before it was suspected that the noiseless, humble, unobtrusive agent, was to become an imperious, haughty, all-controlling master. But when once fairly landed in the arena, no competitor could turn her aside. She pushed forwards with gigantic strides and undeviating purpose, till she was seated in majesty on the throne of the Cæsars. The development of her new character was no less appalling than unexpected. Gathering the scattered reins of empire and grasping them with a firm hand, she guided the chariot with skill and with firmness, and its course was ever onward. The gerontochracy of the senate of Rome was succeeded by the gerontochracy of the pope and his cardinals, and they inherited from their predecessors all their passion for conquest and consolidation. The apostle of him who was meek and lowly became the autocrat of all Christendom. The chief of the subjects of the Prince of Peace became the instigator of the wars of Christendom. The disciple of him who said, "Judge not that ye be not judged," laid claim to infallibility, and reared the palaces and the dungeons of the Holy Inquisition. The follower of him who, for an example, washed the feet of his disciples, exulted in manifesting his derision for whatever the world has of reverend, if so be it held not its patent under his seal. "The servant of the servants of Christ" set his foot upon the neck of kings. In his colossal greatness, however, he neglected no means of influence however trivial, and disdained not to borrow the worn out machinery of heathen superstition. The Pantheon, the temple of all the gods, was consecrated anew as the temple of all the saints. Where the Pontifex Maximus, the high-priest of the ancient superstition, went up the steps of the capitol to burn incense at the altar of Jove, the Pontifex Maximus, the high-priest of the new religion, went up the same steps to burn incense at the same altar in honor of Jehovah. The very statue of father Jupiter, one of the most sublime productions of heathen genius, before which the pagan bowed himself in the devotion of ignorance, having been baptized by the name of St. Peter, now receives the adoration of the ignorant devotee as the image of the chief of the apostles. To sum up all in a word, heathen rites, festivals and notions were retained with slight disguises: the saints, with whom the heavens were repeopled, occupied the stations of the inferior deities whom they had banished; an obscure woman of a remote province of the Roman empire was worshipped as the mother of God, and the world was again overshadowed with practical polytheism. It did indeed seem as if the spirit of old Rome, daughter of Mars, had revisited the earth in the shape of the church militant, to exercise a more terrible domination and to sway a leaden sceptre over men's souls. The decrees of the senate were not half so dreadful as the bulls fulminated from the conclave. The wars which ancient Rome waged against Carthage, were neither so causeless, so fierce, nor so destructive, as those in which, at the fiat of modern Rome, the best blood of Europe watered the plains of Asia. Rome seemed to have risen like the phenix from her ashes in the undiminished vigor of her pristine youth; or rather, to borrow an illustration from her own faith, more apt, as it figures the increased fear with less respect and still less affection which her second dominion inspired compared with her first, she seemed, after she had circled her brows with a tiara richer than the diadem of the Cæsars, her priestly empire seemed to be but the ghost of the old Roman empire sitting crowned and ghastly upon the mouldering sepulchre of her former greatness.*

But enough and more than enough of this. The fascination of the subject has seduced me to dally with it too long. What Greece and

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* Hobbes.

Rome had failed to accomplish, the modern Italian republics undertook with little better success. At the period of the discovery and settlement of America, the last of the Italian republics were degraded and egenerate, and they have since died childless. If this representation e in any measure correct, it must be apparent that down to the time of he settlement of this continent, no successful experiment of self-government had ever been exhibited, and as the other nations of the old world are generally considered to have been less free than those we ave been discussing, it is equally apparent that all nations have been governed far too much.

I have said, and I repeat it, that an ordinary observer, living at the ime of which we treat, would not have supposed that time peculiarly ropitious to the growth of the spirit of liberty. He would have looked ack at those abortive experiments already enumerated, and would have espaired of a more favorable opportunity to renew the trial.

He would have seen the Greek republics, securing to their citizens ut little practical liberty, always at war with one another, and at last alling an easy prey to Macedon, to Rome, and to the Turk. He would ave seen the Roman republic, an aristocracy, regardless of the welfare f the people in its best days, merged in the empire. He would have een Christianity, from whose equalizing tendency and benign spirit ome amelioration might have been hoped for, in the hands of a domineering hierarchy monopolizing wealth, and learning, and talents, in the ervice of the church, enslaving body and soul, and lording it over he consciences of men — exemplifying emphatically the truth of the axim, “ Corruptio optimi pessima.” The corruption of that which is ost excellent engenders evils the most monstrous. He would have een the republics of Italy growing up under peculiar circumstances, assing through corruption, decline, and decay, apparently natural consequences of their constitution and mode of existence, and falling, one fter another, under the yoke of doges, dukes, grand dukes, and marquises, if not previously arrested in their course by the interference of oreign control.

In view of all these precedents, he would have looked about him to bserve the phenomena of his own times, to see whether they would fford him any grounds to reverse the decision of history. He would hen perceive, that whereas in all past times more of liberty had been njoyed in smaller states than in great empires, now the universal tendency was towards aggregation and consolidation. That kingdoms which ad existed for centuries were some of them incorporated, others likely oon to be incorporated, with the territories of their stronger neighbors. That provinces which had been for many generations, substantially, almost independent sovereignties, were one after another annexed to the crown, in more than one nation, and in every instance augmenting the power of the central government. These growing monarchies, under the guidance of crafty and ambitious rulers, whenever their interests brought them into collision, propitiated one another by the sacrifice of weaker princedoms, made peace at the expense of some feeble neighbor, and threatened to parcel out Europe under a few great despotisms.

If he should then reflect, that hitherto the only protection for the people from an excessive authority vested in the crown had been the resistance of the barons, naturally jealous of any encroachment on the part of their feudal superior, he would behold with dismay the feudal aristocracy divided, disheartened, and broken, their ancient prerogatives discountenanced by the sovereign on the one hand, and invaded by the people on the other, deprived of the power of carrying on war at pleasure, no longer exclusive possessors of the wealth of the nation, relinquishing their hold on the soil and on the cultivators of it, and fast dwindling into insignificance. All this he would have witnessed, but could he have been so far gifted with the spirit of prophecy as to enable him to foresee how soon all respect for hereditary nobility was to vanish, how totally their preponderance in the political system was to be reversed, — and had he been informed moreover of the wonderful alteration that was to take place in the whole art of war, that hereafter, instead of nobles at the head of their retainers, instead of mercenaries hired for a short service, and ready to serve on the opposite side of the contest, when their term had expired, for higher pay, — standing armies were to be instituted, devoted entirely to the will of the sovereign, directed by officers of his appointment, permanent, and having a constant interest in the increase of the power on which they depended; still more, had it been revealed to him that national credit, then almost unknown, was to supply the means of supporting this permanent force, without recurring to aids from the privileged orders or direct taxes upon the people, postponing for posterity the burdens of the present generation, and furnishing resources to an incredible, to an indefinite extent, — could any man, I say, at that time have known all this, he would have recoiled with terror from any further investigation into the destinies of his race. He would have pronounced without hesitation that there was no power existing or to exist that could for a moment withstand a government entirely unchecked by that body in the state which had hitherto been its only effectual check, having treasures immeasurable at its command, and wielding with such tremendous energy the sword. He would have confessed in his despair that there was no relief in prospect for him, that Asiatic despotism with unmitigated sternness was about to be visited on Europe, that all manind were doomed to eternal slavery, or, in other words, that henceforth ie whole world was to be governed too much.

Had this disconsolate philanthropist then been told that the order of ie Jesuits was to be established for the purpose of protecting arbitrary cclesiastical power, and of debarring the people from that knowledge hich is power, and from that inquiry which leads to knowledge; that iis institution was to unite in its service vast talents and learning, a eal and a skill, unquenchable enthusiasm, and cool, calculating policy, ich as were never before combined; and that with an untiring perse-erance it should penetrate and influence everywhere, — that the Holy iquisition should put forth its restrictive energies with tenfold fury, — id that, further, a new continent should be discovered; that into that ontinent the Jesuits and the Inquisition should be transplanted; that ie most fertile parts of that continent should be cultivated by negro aves, purchased for that purpose in Africa; that Charles the Fifth, niting in his person the full sovereignty of Spain, the Netherlands, and ie German empire, should derive from that continent more of revenue ı gold and silver than had ever been heard of since the days of Solomon, – he would not have detected in any of these facts any warrant to en-ertain a doubt of the conclusion to which he had arrived.

There were causes, however, in operation, which sooner or later must ave produced a mighty revolution in the condition of Europe, even iough Columbus had never been born, and though the western con-nent had never been disclosed to any civilized voyager. Through the ifluence of the institution of chivalry, sentiments of honor and a sense f personal self-respect and independence had become prevalent; and iese generous feelings were by no means confined to the orders among hom they originated. The crusades, a series of mad enterprises, which ad produced a more general transfer of property and a greater change ı the relative position of different members of society, than had taken lace before, since the period of barbarian conquest, though they gave a ıtal shock to the feudal aristocracy, yet gave birth also to that commerce hich has been the parent of every thing that is valuable in modern ivilization, whose blessed fruits are improved manners, comforts, arts, cience, intelligence, and liberty, — which has erected the stupendous tructure of British greatness, and which has crowned with plenty and ined with opulence the whole western coast of the Atlantic. Commerce, pringing out of the crusades, had already acquired an instrument with hose aid she was to enlarge her borders, and fearlessly traverse those nknown oceans, upon which, without it, she could not have ventured. Enterprise was already awake. The Venetians carried on a lucrative raffic in oriental products by the way of the Levant: the Portuguese were extending their maritime empire along the coasts of Africa, and discovering and colonizing the islands of the open sea. The passage of the Cape of Good Hope was soon to be accomplished, to open to them the direct path to the riches of the Indies, and to make the islands of spices their own. Out of the enlarged intercourse, the industry and economy which are the concomitants of commercial enterprise, a firm conviction of common interest and a liberal zeal for the common welfare formed bands of union for men of the same pursuits, and founded and organized guilds, corporations, towns, and cities. These rallying points for the members of the third estate gave the new order strength and vigor and confidence. The monarchs favored them because they furnished a convenient weight to balance the hated power of their turbulent nobility. They were destined to grow till the sons of toil and of traffic were more powerful than the sons of war, and they whose trade is production and acquisition more numerous than those whose business is destruction. Through the whole process which has been described, you may discern the infallible operation of social intercourse preparing the basis and developing the elements of general freedom. But this was not all. The introduction of the use of gunpowder was changing the entire character of war. Instead of a mere struggle of brute force and animal courage, it was to become the highest exercise of the human faculties. Every thing became the prize of skillful and rapid calculation, and just and instantaneous decision. The interests inherent in the new state of things soon came into collision with each other. The controversy assumed an imposing vastness. In the fury of its progress nation was dashed against nation, and the shock roused from its long torpor the slumbering intellect of the popular mass. Life and death, liberty and slavery, depended on the issue, and the people were alive to the momentous hazard of their situation.

The vague and indefinite immensity of the rewards which success presents in prospect to the victor, the total and final annihilation of all his hopes which defeat involves, in short the desperation of the stake, make war beyond comparison the most exciting game which kings can play at. When all that we have, or hope for, rests on a single cast, the fear of sinking into nothing — the illimitable aspirations of ambition for the dominion and glory almost within its grasp — engross the whole soul, and quicken all its dormant energies. The irresistible attraction of this intense interest, drew to its sphere a large proportion of the talent of Europe. The passions of the leaders were wrought up to the highest pitch of excitement. Genius is nothing but strong passions working their action through the instrumentality of strong intellect. Accordingly, many brilliant constellations of genius shone successively through the troubled gloom of three stormy centuries, till at last, the master spirit, Napoleon, our age's leading star, rose, even as the sun, in dazzling splendor, but with serene majesty, out of that last and fiercest moral tempest, the French Revolution.

It is then evident, that war, in its new form, directly produces and must produce genius of superior order, and more abundantly than any other profession. But indirectly, also, it calls into being genius of every possible variety, and puts in requisition every species of talent. So suddenly does it reverse the relative position of nations, that the statesman must constantly task his invention for the means of recovering what arms have lost, or of making the most of the advantages which arms have won. So often do the interests of belligerents come into conflict with the rights of neutrals, that the profound inquirer must discuss the law of nations, and lay down a code of morals to govern the mutual relations of independent States. So rapidly does it exhaust the most extensive resources, that the financier finds employment for all his ingenuity to supply the drain. Political economy must determine how this drain may be supplied with least detriment to the general welfare. So suddenly does it call up from obscurity to rank and power, so suddenly does it impart vigor to classes of men whose influence in time of peace was unfelt in the State, so suddenly does it destroy old interests and create new ones, and such multitudinous emulations and rivalships does it originate, that the constitutionalist must take care lest the social machine be torn in pieces by the violence of its own action. Should it be rent asunder, or should some modification of its form become indispensably necessary, he must study the nature of society and of government, and when he reconstructs or repairs the system, disregarding ancient prejudices, he must take care to deposit the effective administration in those hands in which power appears now to be permanently lodged. Such apparently inconsistent obligations does war oftentimes seem to impose on those engaged in its service, that the moralist must investigate the nature of human duty, to decide complicated questions of right and wrong, cases of conscience and points of honor. Not only all moral and political science, but the mathematical and physical sciences, and the arts connected with them, are exercised and invigorated. Geography and topography survey the field of action. Engineering lays out the roads, removes the obstacles, and erects the defences. Trigonometry plans the fortifications, and geometry measures the path of the projectiles. Medicine and surgery benevolently strive to snatch some few fragments from the waste of life, while chemistry furnishes new agents of destruction, and the mechanic arts construct new engines for the employment of them. Literature and the fine arts also are not without their share of impulse from the all-pervading spirit which war inspires in the whole body of the community. Philosophy must discuss its causes, its consequences, and its merits. History must record its fortunes. Painting and sculpture must immortalize its heroes. Poetry must celebrate their achievements, and music must chant anthems for their victories, or in solemn dirges bewail their funeral.

War therefore, directly and indirectly, has been a fruitful occasion of the development of modern genius. And it is too obvious to need remark, how conducive the development of genius in classes, having no hereditary share in the government, has been to the progress of freedom. But war and commerce, however great their acknowledged influence, were not the only instruments of the mighty revolution going on in the constitution of society and in the condition of Europe. Other causes were coöperating, causes originating further back, which have often been considered, but to which a few words must now be devoted. The revival of letters had come like the dayspring from on high, after the dreary night of the dark ages. The beautiful models of antiquity infuse a masculine energy into the mind of him who devotes himself with earnestness to the study. We can hardly conceive the delight with which they were hailed, when, after slumbering neglected for so many ages, they reappeared in the freshness of their immortal youth. The rapture which welcomed these long lost treasures was no misplaced enthusiasm. Whatever we may judge of the conduct of the Greeks and Romans, their writings, all must admit, are filled with the noblest sentiments. The perusal of these writings brought to new life ideas which had long been forgotten. Perhaps there is even now no literature whose tendency is so democratic as that of the ancient classics, and this circumstance is not to be overlooked in forming an estimate of the state of public opinion in the ages succeeding the revival of letters. The cloisters of those ages must have contained many an ardent lover of the rights of man, whose situation indeed repressed his noble rage, but who nourished within his breast the sacred flame ready to burst out when the first breath of popular commotion should fan it. The general currency of ideas borrowed from the ancients had restored the tone of the moral system and stimulated the intellect so that it was prepared to enter with alacrity upon new channels of thought. At this crisis the press is brought into action. Now indeed the people have an instrument peculiarly their own. Thought is now no longer to be locked up in the scarce and costly manuscript, jealousy guarded in the library of the monastery. No bolts can fasten it. No dungeons can confine it. No arbitrary edicts can restrain it. It escapes: it o'erleaps: it walks abroad: it is free as air: it flies on the wings of the wind. Ideas which had long been brooded over in silence are now communicated. The similarity of their conclusions strengthens their convictions, so that simultaneously certain great principles seem to have originated in opposite quarters, and to have circulated among countless multitudes. The means of mutual action being now afforded, mind was brought into contact with mind, and doctrines fraught with portentous consequence were the issue of the union. The seeds of the reformation had been sown, and Martin Luther was soon to cultivate them into an abundant harvest.

In many respects, therefore, the time when the American continent was discovered, and still more especially the period of the settlement of North America, was a season of a general fermentation and heaving in the mass, which there was no reason to apprehend would cease till the people had obtained and secured a share at least in the government of themselves. Such was the character of the times, and if America had never been discovered, convulsions and revolutions must have taken place in Europe and had their course, though not so rapidly as in the actual state of things has happened.

The American continent was situated at a safe and desirable distance from the old world. The time, expense, and difficulty of the voyage were so great, that any considerable population who might settle here, might fairly calculate upon governing themselves, and might securely trust that they were out of the reach of any effectual interference on the part of the mother country. It was the ruinous expense of supporting an army thousands of miles from home that made it absolutely necessary for Great Britain to abandon the war and acknowledge our independence, when we were but a small nation comparatively, though our exertions were paralyzed by the miserable inefficiency of the confederation, and though George the Third was obstinately bent, as long as there was a doubt to hang a hope upon, upon reducing us to subjection. For the same reason it is impossible for Spain to recover one of her lost colonies, though the South American republics are mismanaged, have no resources, and no affection for their ephemeral governments.

Again, the country is so vast that when thirty thousand men could have marched through it, three hundred thousand could not have subdued it. While inhabited by civilized men, it might be overrun, but it could not be conquered. An army may pass through Scythia, but it cannot occupy and retain it. The army would enforce obedience in its immediate neighborhood on all who chose to remain there, but before it the inhabitants would remain free, and behind it they would rise up free. An army might pass through Tartary, but the Tartars would still acknowledge no master. Even Russia is content with nominal authority over the scattered tribes of her Asiatic territory.

Another favorable circumstance is the face of the country: its colossal ridges of mountains, and the innumerable rivers that flow from their sides. Every mountain is a natural fortification, every river is a line of defence behind which a retreating army may rally. It is by means of its mountains and precipices that Switzerland has maintained its independence so long in the midst of jealous and powerful neighbors. It was by means of its mountains that Scotland was so long independent of England, that Wales was so long unconquered, that the Moors held out so long in Grenada against the efforts of Spain, and that Spain herself was able to withstand the gigantic power of Napoleon. A determined people in a mountainous country cannot be subdued. These remarks apply to the continent as a whole, and prove without further examination that its inhabitants could never be destined to dependence on the old world. Indeed there is not now to be found any colony dependent on the mother country except those who derive or believe they derive more benefit than they suffer of inconvenience by the connection. Omitting to inquire the character of particular sections of the continent, we may be excused for dwelling a moment on that of New England. Her inclement seasons and her barren soil, requiring habits of exposure and of indefatigable industry, as well as rigid economy, naturally form her hardy yeomanry. The sterility of her sea-coasts provokes her adventurous mariners to tempt the perils of the ocean, and to draw from the depths the treasures of the sea. While, if there be any truth in the influence of climate, so long as her north-west wind blows over her granite mountains, invigorating body and soul, breathing courage into all who have courage to go out and breathe it, her pure air ought to make her the nursing mother of a race of heroes.

And who are the inhabitants of New England? Who were their fathers? Picked men every one of them. Tried by the ordeal of adversity, and selected by their tenderness of conscience, their steadfastness in duty, their daring in adventure, their fortitude under suffering. Had they not possessed all these qualities, the desolate coast of Plymouth, the inhospitable bay of Massachusetts would never have received them. Had they not been actuated by the love of civil and religious liberty, no other motive could have retained them "in this howling wilderness" till they had made it rejoice and blossom as the rose. That such a people, coming at such a time, to such a country, should have there planted the liberty which they came to enjoy, and should have kept it as the apple of their eye, and that in process of time they should have become independent of the mother country, cannot excite surprise. That having no privileged orders or aristocracy of landholders among them, but setting out on the principle of an entire equality of rights, they should have framed and enacted laws calculated to encourage, promote, and preserve that equality, is not to be doubted. Neither is it any thing wonderful that the attempt should be to some extent and for a limited time successful. But the question which the patriot anxiously, the advocate of arbitrary governments sneeringly, asks, is this, — Will your system last? Are there not latent causes of corruption inherent in it which must sooner or later work its overthrow? It may throw some light upon this question, to notice some passages of our history since the close of the war which secured our national independence.

There are, in the history of every nation, where the mind is not held in complete subjection by the tyranny of established habits, which, like the laws of the Medes and Persians, may not be altered, certain points of time when the principles of policy upon which the government has acted, or the means by which it has supported its power and enforced its authority, become unacceptable or inefficient, and a new order of things is imperiously called for. The march of improvement is continually going on — the times change, and the people change with them. The varying circumstances of other nations, their different dispositions towards us, the fluctuations of commerce, the creation of new wants, and the disuse of old customs, perpetually vary the nature of our foreign relations, and require corresponding alterations in our foreign policy. If, while the wishes, feelings, and interests of a people have undergone great modifications, the course of the government still remains the same, its operations are impeded, its influence is diminished, and a change in the administration becomes necessary.

In arbitrary or mixed governments, whenever the measures of the government are at variance with the interests of the people, if no powerful body in the State is strongly interested in the continuance of the course objected to, the sovereign gives way, the minister is sacrificed, and the machine of state moves on smoothly again. But should the question be of the privileges or immunities of any numerous and influential class, they will resist innovation, and a revolution must be the consequence.

Except perhaps the hopeless endurance of a grinding despotism, to avoid which men resort to this bitter remedy, a revolution is the greatest of all evils: it may be likened to whatever is terrible in nature — a fever of the social system — a tornado in the political atmosphere — or rather an earthquake, obliterating the ancient boundaries of law and morality, overthrowing the venerable institutions of religion, and shaking the very foundations whereon society reposes.

The imprisoned fires whose force suffices to upheave a continent, which if denied a vent work wide destruction, leaving behind them no vestige of life and beauty, issue through the open crater of the volcano comparatively harmless, though with a fearful glare and threatening roar. Popular elections furnish the safety-valve for the elements of the moral earthquake.

It is the great excellence of the popular form of government, that it offers facilities for the frequent expression of the will of the people, and the means sooner or later of carrying that will into effect. Causes which elsewhere would lead to revolutions, here produce only a temporary fermentation of the mass; the will of the universal democracy triumphs, and all is quiet again. A stranger would imagine, were he to witness that heat and uproar of one of our contested elections, that the rule of anarchy had begun, and that all other government was at an end among us; but incontinently the object of the stronger party is attained, the weaker party acquiesces, and the conflagration of the passions burns out for want of fuel.

Since the era of our national independence, three times has the country arrived at a crisis which demanded a change — a change which under any other form of government could not have been effected without a revolution, and which must therefore have been delayed till the evils became intolerable. Three times has the change demanded been accomplished, and twice have the consequences been observed and recorded; the third period is now commencing. The effects of our third moral revolution are beginning to be developed, but remain for the most part matter of speculation.

The first crisis was that of the downfall of the confederation. That form of government which the energy of popular excitement had made tolerably efficient during the revolution, soon, when passion had subsided and when individual interests became distinct from, and preponderated over those of the nation, began to discover its inherent weakness. The several States often refused to furnish their quota; foreign powers subjected our commerce to the most mortifying embarrassments; our credit was poor and precarious: in short, the confederate power was neither obeyed at home, respected abroad, nor trusted anywhere: neither could it, from its feeble constitution, enforce, avenge, or inspire confidence. Our trade was without protection, and our government without revenue, and the practical evils which resulted, not only showed the statesman, but made the most unthinking feel the necessity of some central power, which should be endued with the concentrated strength of all the members, and act for the common good with a force that should insure success. The collected wisdom of the country, met at Philadelphia, having adjusted many contested points in a spirit of compromise, formed at last the present admirable Constitution which creates such a power. The people, jealous of their rights, and unwilling to intrust their best friends with authority which may be abused, were hardly persuaded by the sound reasoning and commanding eloquence of such men as Hamilton, Jay, Madison, and the elder Adams, to adopt so *strong* a constitution. Jefferson denounced its form as a close imitation of the British, and seemed to consider the executive as a king in miniature. Patrick Henry declared that the president possessed both the sword and the purse, and by their means might make himself master of whatever powers he pleased. The new Constitution was however adopted, — in several of the States by very small majorities, — and a military chieftain, the immortal Washington, called on to administer its functions. He gathered round him an able cabinet; he consulted the wishes of all sections of the country; the evils which oppressed us were removed, the dangers which threatened us vanished, commerce revived, and prosperity was restored. Party spirit, therefore, was naturally quiet for a short period, but party feeling did not cease to exist. The materials for a great party division, founded upon the character of the new Constitution, existed among the people. The jealous fear of usurpation, the offspring and the safeguard of freedom, on the one hand, led many honest and high-spirited republicans, under the guidance of the heart rather than the head, to suspect a strong tendency towards *consolidation* in the new institutions. The dread of anarchy, from the horrors of which they had just escaped, led many honest and prudent republicans, on the other hand, to apprehend danger rather from encroachments on the prerogative of the general government, and from the unwillingness of the people to submit to any even the most wholesome restraints. Posterity will probably decide that to a certain extent both parties were right, and to a certain extent both were wrong. The federalists were undoubtedly right in believing that the common good required great powers to be conferred on the general government — far greater than the party who opposed the acceptance of the Constitution were willing to allow — for both parties have since practically concurred in endowing the government with *more* power than the federalists at that time contended for. Experience has shown also that the democratic party were right in believing that it is the tendency of every government continually to accumulate power, and that this tendency requires to be closely watched and incessantly counteracted by all constitutional methods. On the other hand, the federalists set the first example of those latitudinarian *con-*

structions of the Constitution which have been subsequently carried so much further than they who founded the Constitution would ever have approved or indeed ever have dreamed of, which may be summed up in a single sentence, *that the powers granted to the government* IMPLY *all other powers which the government may find it convenient to assume*, a doctrine not yet advocated in terms, but practically acted on, and which threatens to make the Constitution a mere dead letter, and to leave the government absolute and unlimited save by its own sense of propriety and duty, and its fear of popular resistance whenever its encroachments are too flagrant to admit of any plausible justification. In this precedent, so fruitful in dangerous consequences, the federalists were, to say the least, unfortunate. The popular party were equally unfortunate at that time, in contending that the navy, whose brilliant achievements have since shed such a lustre upon our annals as to make it the favorite of all parties without distinction, was a useless burden upon the national resources, and ought to be dismantled and sold: that the national treasures were lavished in prodigal profusion for the support and improvement of the army; though experience afterwards demonstrated that a just economy would have dictated even a more liberal expenditure upon those objects, and would thereby have saved the nation from much pecuniary loss, to say nothing of loss of time, loss of blood, and the mortification of undertakings thwarted for want of preparation, and of vast means thrown away on projects ending only in discomfiture: that the funding system, being copied from the practice of the English government, was founded on aristocratical principles, would build up an oligarchy of fundholders, and would involve the nation in a debt, like that of England, forever to be augmented without prospect of relief; though that same much reviled funding system has since carried the party that denounced it through a war to which no other resource could have been found equal, and now having performed its office and done its work well, having discharged all our obligations, and redeemed and sustained our shaken credit, it is about to leave us the only civilized nation on the face of the globe having a superabundant revenue wholly unincumbered with debt. These, with some other errors which might be enumerated, then popular but now admitted to be errors, belonged to the times; they have long since been abandoned on all hands, and we scarcely remember the strong hold they once held on the public mind. Before, however, we dismiss them forever from our memories, there should be time to tell the truth about them. Let us derive the benefit of whatever lessons they can teach us, and then let them be forgotten.

Such being some of the leading views of the two parties, the federal claiming a broad construction of the Constitution and an efficient power for the government, the popular party invoking the strict letter of the Constitution, and seeking shelter within its narrowest limits against undue assumptions of power on the part of the government; having opposite views also of foreign policy; as was to have been expected, causes, growing chiefly out of the foreign relations of the country, soon brought them into open hostility with each other. As was to have been expected, also, after a long and exasperated conflict the popular party prevailed. They came into power under the guidance of Thomas Jefferson, a man of a somewhat speculative character for a statesman, a philosopher in the common acceptation of that word. This was the *second* moral revolution. In as great a degree as in the first, the event disappointed the expectations of both parties. Neither the fears of the defeated, nor the hopes of the triumphant party were destined to be realized. The federalists, perhaps it would be more just to say some of the more excited and alarmed among them, feared that the credit of the nation would be prostrated, that commerce would no longer be protected, and the flag of the nation cease to be respected abroad; that rash experiments would be attempted in every branch of the administration; that the funding system, the bank, the army, the navy, would fall victims to the rage for innovation; that the nation would be degraded before the throne of a European despot; that religion would be discountenanced and scoffed at; that the government would be stripped of its essential prerogatives, and thereby rendered incapable of fulfilling its functions; that consequently social order would be interrupted, and nothing but anarchy could ensue.

Such were the gloomy forebodings of honest, enlightened, and patriotic statesmen among the disheartened and discomfited federalists, and even of some of the most distinguished founders of the Constitution, when they beheld the administration of that Constitution delivered into the hands of their enemies. They were mistaken, however, and we rejoice that history has recorded how much they were mistaken. They did not repose confidence enough in the character of the American people, they did not repose confidence enough in the excellence of their own work, destined, we trust, to weather many a storm. It will not be uninteresting to contrast our present prosperous condition with the apprehensions entertained. Our credit has sustained itself through difficulties and dangers, and now stands unshaken by any of the causes which are at this moment producing such ruinous fluctuations in the credit of the weathiest nations of the old world. Our commerce has flourished by its own inherent vigor: it has extended its operations to sources of gain at that time unknown, and has gathered the spoils of every clime: it has accumulated the wealth which has built up our great cities, and the surplus of which is now digging our canals, projecting our railways, and laying the foundations of our manufacturing establishments: through discouragements, checks, and reverses, it is still living and healthy. Our flag commands respect on every sea: wherever it floats it effectually protects all whom it covers. Experiments were indeed tried, and tried satisfactorily; but after a short period of change and trial, the government settled down into the former course of practice, and affairs went on pretty much in the old way. The funding system turned out to be the main stay of the government, at a time when it had little else than its credit to rely upon, and its capacities have been tasked far beyond what was originally calculated on. The bank, at the expiration of its charter in 1811, was opposed by the whole strength of the democratic party, and was refused a renewal. The Hon. Henry Clay, then a leading democratic member of the United States senate, in an able speech against the recharter, declared the bank to be altogether unconstitutional, and on that occasion made use of these memorable words: "This doctrine of precedent, applied to the legislature, appears to me to be fraught with the most mischievous consequences. To legislate upon the ground merely that our predecessors thought themselves authorized, under similar circumstances, to legislate, is to sanctify error and perpetuate usurpation. *The great advantage of our system of government, over all others, is, that we have* A WRITTEN CONSTITUTION, *defining its limits, and prescribing its authorities:* and that, however, for a time, faction may convulse the nation, and passion and party prejudice sway its functionaries, the season of reflection will recur, when calmly retracing their deeds, all aberrations from fundamental principles will be corrected. But once substitute *practice* for principle; the expositions of the Constitution, for THE TEXT of the Constitution; and *in vain shall we look for the instrument in the instrument itself.* It will be as diffused and intangible as *the pretended Constitution of England.* I conceive, then, sir, that we are *not empowered by the Constitution,* nor bound by any practice under it, to renew the charter of this bank." Soon, however, the administration found it convenient to employ a bank, and they accordingly chartered one upon a much larger scale than the institution which they had denounced. And now Henry Clay sits in the same senate, the champion of the FEDERAL doctrine upon this subject, answers the arguments contained in his old speeches, and ranks as the most able advocate for the recharter of the corporation with powers greater than those which he unequivocally pronounced to be unconstitutional.

The army has been enlarged and restored to favor, and has furnished the readiest passports to popular applause. The navy has humbled the piratical states of Barbary, rich with the spoils of all maritime Christendom, and confident in their contempt of the laws of warfare among civilized people. It has visited the nests of those vultures and tamed their ferocious voracity. It has freed us, before any nation of Europe, from the dishonorable tribute paid to those banded outlaws; others have followed our example, and now Christian commerce sweeps over the Mediterranean secure from their fearful depredations, protected by the terror of the wholesome chastisement which American valor first inflicted on them. In the last conflict in which it was engaged, it has covered itself with a plentiful harvest of glory. British tars, till then invincible, were astonished to meet their equals on their own element. Let us not insult the mother country, or underrate the honor of such an ancestry. Till that hour, her dearest boast was true. Britannia was ruler of the waves: but from that hour when Yankee champions of free trade and sailors' rights first challenged her to equal combat, the charm was broken, the glory had departed from her. Our gallant little navy gave her many defeats to mourn, and but few victories at which to rejoice. It was a new chapter in her naval annals. From that hour we claim to be sharers in her before exclusive dominion, and to carry our flag with the proudest of those

Whose march is on the mountain wave,
Whose home is on the deep.

We had met the enemy and they were ours, on the ocean as well as on the lakes. From that hour our eagle,

Sailing with supreme dominion,
Through the azure depths of air,
Glancing with an untired pinion,
Glory's palm shall highest bear.

The Guerriere, the Java, the Peacock, the Macedonian! Would that time would allow me to enumerate all her trophies, and last, not least, to bring before your imagination Lawrence, undishonored by disaster, cut down "in the purple blossom of his youth, while the lingering graces of manhood yet clustered round his form," falling in a desperate and sanguinary struggle, the respect of his enemies vying with the anguish of his friends, and two rival nations, in generous emulation, honoring with sympathetic tears his premature grave. The subject has a witchery about it: but your patience has already been tasked too long. The sketch, brief as it has been, must be condensed still more. Suffice it to say, then, that so far from the dignity of the country having been compromised abroad, American diplomacy has ably seconded American valor. While the nation has gone on steadily in its march to greatness, it has commanded a still larger and larger portion of respect and attention in its foreign relations. Religion, confident in her own intrinsic strength, neither asks nor receives aid or support from the civil authority. She is maintained without an establishment, she is obeyed though her ministers do not hold seats in the senate of the nation. The government has been so far from weakness and inefficiency, that the complaints, and of late they have become loud and startling, have been all of an opposite nature. The government is accused of overstepping its legitimate powers, and if, which may heaven avert, if in our day, discord, rebellion, and anarchy shall make havoc of this fair land, it will not be because the government has forborne to use powers granted, but because it has assumed powers not granted by the Constitution. So much, then, for the consequences of our second moral revolution. It has been seen that both parties were somewhat disappointed in its effects ; that when outs become ins, they view questions of policy under different bearings, and of course come to different conclusions. These considerations will assist us in determining what amount of change may result from our *third* moral revolution, that brought about by the elevation of Andrew Jackson to the presidency. Of this I shall say but little, this not being the time or the place to discuss questions upon which parties at present divide. I will, however, venture to remark, that violent partizans on both sides have been, and will probably continue to be, disappointed in their expectations.

One of the principal weapons used in bringing about the late revolution of parties, as it had been before the election of Jefferson, was the promise of a thorough-going, universal system of *retrenchment* in the national expenses. So soon, however, as the retrenching party came into power, they found serious obstacles impeding the full execution of their promises. The nature of mankind is the same under one administration as under another. There were claims innumerable to be satisfied, expectants more numerous than offices, and wants more abundant than the means of gratifying them. Every pretension advanced, if admitted, keeps open some outlet for expenditure ; if rejected, turns a friend and ally into an enemy and opponent. Besides, the new opposition not holding so strict a doctrine on the subject of retrenchment, could not be so effectual a check on the propensity of the new administration to depart from its theory of rigid economy. Savings indeed to some extent were effected ; as, for instance, in the navy department, the expenditure of the first three years of this administration was less than that of the last three years of the preceding by 1,582,000 dollars. Other instances might be selected, but still the expectations of many of the most ardent supporters of General Jackson have not been fully realized, and some have not scrupled to express their disappointment. With regard to rotation in office, the practice has not been carried to the extent which office-seekers hoped and office-holders feared. I express no opinion as to the doctrine in general, or as to the propriety of removals from office for political causes; but certainly, since the election of Jefferson, it cannot be pretended that that doctrine is not an essential part of the republican system of faith. Many gentlemen, who advocated this republican doctrine, no doubt from the most disinterested and patriotic motives, with great zeal and effect in 1801, found the practical application of it extremely unpleasant in 1829. This, however, was no excuse for apostatizing from the fundamental principles of democracy, and reprobating so clamorously the faith which they had always professed. But great as has been the outcry raised by these gentlemen, and others, it is but just to add that the administration deserves credit for the moderation with which they have exercised the power of removal from office. From the third of March, 1829, to October, 1830, out of 10,093 public officers, the whole number of removals for all causes whatsoever, was only 919, or about one-eleventh of the whole number. When we consider how many of these were removed for unfitness or dishonesty, and to substitute better men, we shall probably set down the number removed for political reasons merely, at a very small proportion indeed. In the treasury department alone, the deficit in the accounts of those who were removed amounted to at least 300,000 dollars. How groundless is the charge brought against the administration, of an unsparing proscription of all who do not profess to be its friends, will appear from the proportion of the two parties among the office-holders in the city of Washington. On the accession of General Jackson to the presidency, the number of Adams and Clay men in office in Washington was, 228

The friends of General Jackson in office there,	71
The number of removals for all causes was	40
The number of Clay men in office in 1831,	173
And of the friends of General Jackson,	140

So that this proscriptive administration still left a majority of thirty-three of the offices at the seat of government in the hands of its enemies.

At the time of the elevation of the present incumbent to the executive chair, his opponents feared, lest, as he had not been brought up a diplomatist, he might not possess the knowledge and the judgment necessary for the proper direction of our foreign relations. The history of his administration thus far has been very far from justifying any such apprehensions. At no period since our independence have our negotiations been so successful. The trade of the Black Sea opened to us; the trade of the British West Indies restored to us; our claims on Denmark satisfactorily adjusted; indemnity, which our merchants had almost despaired of, secured from France; these are only a few of the advantages which have been obtained within the short space of three years. It is but justice to attribute some portion of this success to the plainness and directness which have characterized the operations of the present administration, and have made its pithy and pertinent state papers so opposite in substance and manner to the endless, involved, verbose, and unintelligible declamations, so frequently issued by the members of the cabinet under the late administration.

With regard to our domestic policy, it was feared that the manufactures of the North would be prostrated by the sudden and total abandonment of that system of restriction which the votes of the South, some years since, against the will of New England, fastened upon her. In this particular also, the administration has displayed more of justice and of wisdom than its opponents predicted. It has proposed a system of compromise, which, while it will save from destruction interests that have grown up under existing laws, will tend, in a great measure, to alleviate the dangerous irritation which the wrongs, whether real or imaginary, of the present system, have produced through an important section of the country, — a compromise which we may safely pronounce to be a reasonable one, since ex-president Adams, high authority for the opponents of the present administration, has adopted it, and, with some slight modifications, made it the basis of his own proposed arrangement: and with his modifications, there is a fair prospect that it may become a law, and prove satisfactory to a large class of the manufacturers themselves.

Thus far I have considered some of the consequences of the three moral revolutions through which our government has passed, in the general manner which the necessary brevity required, but with enough of particularity to answer the purpose of the investigation: and I now pause to sum up the practical inferences to be drawn from them. We cannot help admitting the obvious truths, that our party contests have not that intrinsic importance, with which the lively fancies of the heated partisans often invest them: that they are often in a great degree struggles for office, and that if the party out of power always strives to fight itself in, by the vindication on all occasions of certain leading popular principles, it is by no means certain how far those principles will be exemplified in its practice after it shall have prevailed by zealously professing them. That, however great may be the inconsistencies in the political conduct of individuals, even if beyond parallel in any other country, still the fluctuations of the government are temporary, and of lesser magnitude than they at first appear to be. We may therefore expect the government to go on through reverses and vicissitudes. We may expect the dissatisfied to proclaim peril and to prognosticate destruction: and as insurrections have taken place in Massachusetts and in Pennsylvania, and have been threatened in Georgia and South Carolina, we may expect the execution of the laws to be sometimes resisted by violence. Yet as the party in power will always act on the same general principles, and as the party out of power can always take possession of the administration so soon as it can command a majority of votes, we may trust that our discontents will generally evaporate in menaces, and that the great American experiment of self-government may prosper in its course, till that decay which is the fate of all things earthly shall fasten on our free institutions. If in the long lapse of ages that eventful moment should ever arrive when the government of our country must yield beneath the weight of its abuses, let us hope that the principles of freedom may be so firmly rooted in the breasts of our posterity, that from its downfall a new republic may rise, better guarded against corruption, and that self-government, purified, and renovated, may enter on a new and interminable career. To make free government securely permanent among us, it is not any set of leaders or scheme of policy that we have to depend upon. We must rest our reliance on the character of the people, and to this end we should do all in our power to promote intelligence, morality, temperance, industry, and economy. Make these virtues universal, and futurity has nothing for us to fear.

While other nations are trembling, as it were, on the brink of the precipice, while their boldest have little hope to escape it, and their wisest know not what an hour may bring forth, let us be thankful that union, peace, prosperity, and happiness, are the prospect we see before us. Let us endeavor to merit and preserve these blessings. Let us conciliate and compromise; let us sacrifice, if need be, some partial interests to the general good.

Let us now invoke the favor of divine Providence that the shield of his almighty protection may be spread over our beautiful, beautiful America. That her land may reward with rich harvests the labors of agriculture; that her manufactures may revive and flourish, and furnish profitable employment for her redundant population; that her commerce may whiten every sea with its canvas, and enrich and gladden all her shores with the returns of its enterprise; and that the free soil which we tread, and the free air which we breathe may be continued free to our remotest posterity.

THE VALUE OF THE FEDERAL UNION CALCULATED.*

In the following pages I propose to show the paramount importance of the Union of these States under one federal head. I shall maintain that we are chiefly indebted for the unparalleled degree of civil and political liberty which we enjoy to our absolute INDEPENDENCE of foreign control, and of the apprehension of it. I shall then undertake to establish that the Union is the only basis upon which such independence can be sustained for a moment; that immediately upon the dissolution of the general government, and the parcelling out of our territory under several governments standing in the relation to each other of foreign powers, all the principal evils which have oppressed the people of the old world would be entailed upon us, — that frequent wars, standing armies, overgrown debts, enormous inequalities of property, titled aristocracies, in short, a strong government, with all its characteristic accompaniments, must be the natural consequence of the presence of jealous rival nations on each other's frontiers, — that such would be our lot; and as often as we attempted to escape from it, anarchy, with a more hideous array of sufferings in her train, would seize upon us and make us eagerly fly back again to seek refuge under despotism.

That from such a condition we might in time work out a certain degree of liberty, and by desperate struggles, often repeated, acquire guarantees for it, as some European nations have done, is neither to be asserted nor denied; a palpable obscurity, a thick, impenetrable darkness would rest upon our future prospects.

We shall be satisfied of the correctness of these positions if we consider the miserable vicissitudes through which the nations of the world have passed while we have been holding on our glorious course of improvement and of happiness, the reasons why their attempts to better their condition have proved so generally signal failures, and the operation which the same causes would probably have in producing the same mischiefs upon our States if severed from their present compact, and placed in independent and hostile relations towards each other.

The independence of the United States of America is not only a marked epoch in the course of time, but it is indeed the end from which the new order of things is to be reckoned. It is the dividing point in the history of mankind; it is the moment of the political regeneration of the world.

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* An oration delivered before the Gloucester Mechanic Association, on the Fourth of July, 1833.

Before it, came the governments of force; after it, come, and shall come in long succession, the governments of opinion. They who wielded the sword had hitherto directed the fate of nations: the Fourth of July, seventeen hundred and seventy-six, announced the principle of self-government, and hereafter nations shall follow no guidance but the mastery of mind. It is not enough then to say that on that day a new empire was born; let us extend our views over the earth, and through futurity; let us characterize that day by a more comprehensive expression of its consequences, and say that then a principle was ushered for the first time into avowed, and, as the event has shown, effectual action, whose operation shall change the destiny of man in all empires and forever.

Fifty-seven years have passed, and not only has a small people become a great nation, not only has the energy of freedom hurried us onward in a career of unparalleled rapidity, but the American principle of self-government has gained converts and acquired influence in countries where it was scarce heard of before, or if heard of, treated only as the speculation of some visionary theorist. It has been like leaven thrown into the mass, and lasting, wide, and increasing has been the fermentation. Let us cast a brief glance over the annals of the world since we have had an independent existence, and trace the progress of change in different countries.

The first peculiarity which we cannot overlook, is the magnitude and appalling character of the events which have been crowded into the compass of that short period. Every line of the chronicle is a history, and years seem to have sufficed for the work of centuries. France, the centre and the heart of the European body politic, whose throes are felt to the farthest extremities of that system, was the first to feel the influence of the new ideas, and was agitated with strange convulsions. Some of her most distinguished sons had taken part in our contest with the parent empire, and returned home with their bosoms glowing with the fire of liberty. They found their countrymen ripe for the reception of democratic principles, and their situation made them apostles of the new faith. Fenelon had declared to the corrupt court of the fourteenth Louis, while the great monarch was at the height of his absolute power, the uncourtly truth that kings were created to be servants of their people, and not the people for their kings. Lafayette had just witnessed on this side the Atlantic the sublime spectacle of a nation of whom the people were sovereigns, and he was resolved, if it might not be so on his side of the ocean, at least to make the experiment of a sovereign ruling in the interest of the people, and under their control through the medium of responsible ministers. In the castle of If, and in the dungeon of Vincennes, Mirabeau had had leisure to meditate on the nature of arbitrary power, and was disposed to lend his aid to remodel the government whose injustice he had felt, so as to protect his fellow-citizens from the danger of similar oppression. With such leaders from the higher nobility, it is not strange that the commons rushed on eagerly to secure that share in the administration of affairs which was necessary to their well being and their safety, and which seemed so suddenly brought within their grasp. They anticipated, and plausibly too, an easy task, and a speedy deliverance. Under the mild reign of Louis the Sixteenth, with an imbecile and fickle ministry, embarrassed by an empty treasury, without means to fill it, resting for support on an aristocracy worthless and powerless as a body, while the few splendid exceptions to this general character, of which it might with justice make its boast, the possessors of almost all the virtue and almost all the talent, rare qualities in that degenerate caste, were to be found in open opposition to its pretensions and fighting in the ranks of its enemies, the people, — in such a state of things we can easily pardon those who believed that the abolition of obsolete abuses was a work of easy and speedy accomplishment, and that establishing the regenerated government with the power of self-preservation, with vital force enough to enable it to perform its proper functions, and well-adjusted checks sufficient to prevent it from overstepping its proper limits was an achievement of equal facility. Terrible was the disappointment of all these hopes. The privileged orders had lost the substance of power before the revolution, so called, commenced: the substance gone, the ensigns were soon wrested from their hands, and power, both real and nominal, fell into the possession of the people. But in the struggle to divide the glittering prize, the conquerors became animated with an epidemic fury and turned their weapons against each other's breasts. The French monarchy which dated from its origin thirteen hundred years, the kingdom of France, properly speaking, which could claim an antiquity of nine centuries and a half, the royal house of Capet which for eight hundred years had reigned over that kingdom, crumbled into ruins, — the throne and the altar were overturned and trampled in the dust; and king, noble, and priest, expiated with their blood the errors of their ancestors, and balanced the long arrears of popular vengeance. Discord stalked undisputed master of the field, anarchy let loose all her Titans to destroy, and law and order, religion and justice were the sport of their rage. Day by day, in the light of the blessed sun, grim murder, insatiate as Moloch and relentless as the grave, bared his red arm and laughed at punishment. Systematized carnage deluged the cities with the purple blood of human sacrifice, while confusion and desolation swept over the land in one broad cataract of blood and fire. The period is not misnamed "the Reign of Terror." It is too horrible for particularity. We look back upon it as on some short revolting and unnatural drama, and can hardly help regarding the actors in the different parts as unreal monsters created by a disturbed imagination. They pass before us like the figures of a moving panorama exhibited by torchlight. The terrible energies of Danton, the fiendlike ferocity of Marat, emerge from obscurity, glare fearfully for a moment, and sink into the surrounding gloom; while Robespierre, Couthon, and St. Just make but two strides across the bloody scene, the one from insignificance to the supreme power, and the next from the supreme power to the scaffold.

Though weary of her nine months' madness, though exhausted by paroxysms each more convulsive than those that had preceded it, there was no repose for France. In the lowest depth of her despair she beheld a lower deep wide opening threaten to devour her. She rushed on in her agony till she had sounded the last abyss of her woe, and then, when rest should have awaited her, she found herself thrust back by a continent in arms, and thrown again into the boiling whirlpool. Her frontier was bristling with the bayonets of confederate nations, who had marched to war against the principles of the revolution.

The long and arduous struggle which ensued, with its various vicissitudes and absorbing interest, was fitted to form, as far as any circumstances could form, a character of controlling power. If nature had deposited anywhere the spark of a sublime genius, in such a crisis as this it must blaze out. Now, if ever, mankind might expect to arise one of those master spirits, who "ride on the whirlwind and direct the storm" of revolution; who, sitting above, like Jupiter, scatter the thunderbolts of war, or wield the sword of destiny, and who smile upon the crash as the political world that is to pass away is shivered around them; who touch with unerring hand the secret springs of change, and order all things after the counsel of their own will, while the ordinary herd of mortals stand aghast, gaze and admire below. One of this class appeared in the person of the man to whom the nine hundred millions of his contemporaries furnish no compeer — the child of destiny — the throne-creator — the modern Mars — Napoleon. He lifted the curtain with his own red blade, and strode the stage like a deity. He came like the tenth Avatar, to destroy and recreate. The elements of commotion were still at his bidding, order was welcomed again after her long absence, and law resumed the reins.

The energy which the revolution had developed, his mind directed and concentrated against the enemies of France, and their daring was converted into dismay, the torrent of invasion was turned back upon them; opposition was but another name for defeat. The eagles of conquest, issuing from the towers of Nôtre Dame, soared over the ancient capitals, successively, of nations who were astonished to recognize a foreign master; till the emperor, in the plenitude of his greatness, wielded a more extensive sway than Rome could boast under the most powerful of the Cæsars. France was at that time mistress of the civilized world. Spain was her province, Italy a part of the same body politic, and Germany, trembling, crouched at her feet. When the conflagration broke out in Spain, Austria again ventured into the field — in vain — she was completely humbled, and the daughter of her monarch became the bride of Napoleon. To complete the climax of his happiness, a son was born to inherit these vast possessions, and his throne seemed to be established upon a solid foundation. But in an evil hour the South crusaded against the North, for the first time in the history of Europe, in defiance of the laws of nature, yet with an irresistible impulse. In two months and a half, from the passage of the Niemen, June 24th, 1812, the grand army arrived at Moscow, a distance of two hundred and sixty leagues. The Russian autocrat abandoned his capital, but an ocean of fire rolled its devouring billows over temple and palace, the dwelling-place of comfort and the storehouse of merchandize, and Napoleon's conquest was but a heap of ashes. The sanguinary battle of Borodino had shattered his strength, and now want of shelter and supplies left him no alternative, but instant retreat; cold and fatigue, want and famine, hung upon his rear. The stars in their courses fought against him. The northern blast breathed over the fugitives like the angel of destruction. Horse and rider felt its benumbing influence, and strewed the ground with the dying and the dead. The passage of the Berezina represented but too faithfully the hosts of Pharaoh overwhelmed in the Red Sea. Of the countless multitude that had sallied from beautiful France, full of hope and exulting in the confidence of success, only a few straggling detachments set foot upon their native soil again. The French territory did not remain inviolate. The recoil of vengeance paused at the frontier only till the pursuers could take breath. The war rolled back from the Kremlin, across the battle-field of Leipsic, to the heights of Montmartre, and, on the 31st of March, 1814, the allies, who had leagued against him, entered Paris. The emperor abdicated and retired to Elba.

Now was the time to satisfy the first wish of France, free institutions and a representative government. But no! The loathed and hated Bourbons were thrust upon the nation. That ill-starred family had forgotten nothing, and had learned nothing; while the revolution had passed over France with its heavy levelling wheel, and had crushed into the dust hereditary privileges, and distinctions not founded in merit or services; while the nations had been, for twenty-five years, in their great school of mutual instruction, imbibing and imparting the true fundamental political theory of government for the benefit of the governed. The prejudices to which they clung were of course more obsolete than at the era of their exile, and less in unison with the spirit of the age than before political ideas were diffused among all classes of the people. Their obstinacy in disregarding the lessons of twenty-six years, and the pertinacity with which they adhered to plans of conduct unsuited to the existing state of things, and adopted in contempt of public feeling, alarmed the lovers of constitutional liberty, irritated the army, alienated their friends, and exasperated their enemies; so that when the exile of Elba returned to claim the empire, the nation received him with open arms. He came like thunder falling from a clear sky. He landed at Cannes, March 1st, 1815, with a handful of men, and proclaimed that he would bring back victory chained at his chariot wheels. His old companions in arms heard the well-known voice, and flew to surround him. His progress resembled the welcome of some mighty conqueror revisiting his delighted subjects, his brows bound with fresh laurels gathered in the glorious campaign which is to terminate his wars. The gallant and unfortunate Labedoyere, the lion-hearted Prince of Moskwa, bravest of the brave, with tens of thousands of their veteran followers, the soul of the French soldiery, rushed with rapture to swell the train; and in twenty days from his disembarkation the triumphal procession entered the city of Paris. The degenerate Bourbons, the obsolete noblesse, and the imbecile emigrants, who had pressed upon France like a deadly incubus, were hurled from their seats. They fled to the Low Countries, and their besotted partisans followed them. The professors of the doctrines of legitimacy, divine right, and absolutism, hid their diminished heads, and were silent as the obscene birds of night before the noonday sun. Bonaparte was a second time emperor by the will of the French people.

Here was again a golden opportunity, when France might well hope for a liberal Constitution, to limit the imperial prerogative, and to guarantee individual liberty. The emperor was not dazzled by the brilliancy of his first reception: he saw clearly all the peril of his situation. He felt the necessity of resting his power on that popular will from which it was derived: and he promulgated a Constitution which imposed reasonable restrictions on the executive will, and secured a tolerable share of liberty to the subject, while it provided the means of consulting the nation on the measures to be pursued, and allowed it a direct influence in the management of affairs. By this Constitution, and in the liberal spirit which directed it, he solemnly promised that his administration should be regulated, and the conscientious Benjamin Constant, with other leaders of that patriotic band who had opposed the misgovernment of the restoration, lent him their cordial support. But the legitimate monarchs beheld in a popular sovereign their national foe. He was outlawed by the Congress of Vienna, stigmatized as a wild beast to be hunted down, and Europe again took up arms against the principles and the man of the revolution. He dashed across his northern frontier, trusting to the celerity of his movements, and attempted to annihilate by separate attacks the armies of Blucher and of Wellington. Fortune was faithless to him. The battles of Quatre Bras and of Ligny, and the disastrous route at Waterloo closed the eventful drama, and swelled the grand total of the two millions of victims who had fallen in this protracted struggle. The second march on Paris, the second abdication, ensued without an interval, and the hundred days were ended. France was transformed into a vast encampment, which the allied invaders filled with a million of heterogeneous troops of all nations and languages. Wild Cossacks from the Don and the Volga devoured and laid waste the harvests, and the hoofs of the Prussian dragoon horses profaned the Elysian fields. The barbarians of the north glutted their vengeance upon their downcast enemy; desolation stalked through her provinces, and plunder rioted in her cities. The monuments of her victories were overthrown, her treasures of art torn from her capital, and that queen of cities drained to its dregs the bitter cup of humiliation. The greatest captain of the age, when he found it impossible to reach the common asylum of the unfortunate in this home of liberty, threw himself upon the magnanimity of England, and was consigned to a barren volcanic rock in the midst of the Atlantic, swept by the perpetual trade-winds, and alternately drenched by torrents of rain, or scorched by the fierce rays of the tropical sun. On this inhospitable isle he lingered out the sad remnant of his days, and that he preserved to the last his characteristic traits is witnessed by the fact, that in the hour of his dissolution the dress of his battles covered him, the field bed of Austerlitz supported his sinking frame, and the sword which he had girded on at Marengo lay beneath his pillow. He is now resting in the bosom of that rock of the ocean; the stone of his prison-place is laid over his ashes; the Roman cement covers him who tamed the Roman eagle. His fame will flourish in perennial youth, and like the Phœnix, rise freshly from his tomb as often as successive revolutions shall convulse the world. Peace to his parted spirit!

After the final effort of the great agitator had been baffled, and he secluded in the water-girt rock of banishment, the continent was quiet for awhile; no more was to be heard of wars and commotions, and the potentates of Europe vegetated in undisturbed security on their paternal thrones. And now that France has been sufficiently humbled at the feet of her enemies, now that the confederate nations have shorn her locks of power, and have no longer cause to fear her restless ambition, is her ardent longing for liberty to be gratified, — is she now, after these repeated disasters, after this calamitous issue of her desperate enterprise, to be blessed with free institutions, and a government of her own choice? Alas! Very far from all this, — she is doomed once more to bow under the odious yoke of the Bourbon dynasty, rendered still more galling to her proud spirit from the circumstance that foreign arms have imposed it on her. These much loathed masters rule, as in a conquered country, a people which despises and abhors them. Force, therefore, compels obedience; and France is further from the object of the revolution, an object she will never cease to keep in view, than she was during the period of the first restoration.

The disbanding of that army which had shed eternal glory over the annals of France; the execution, as traitors, of Labedoyere and Ney, who had only acted as circumstances compelled them to act; the base submission of the French government to refund to the allied sovereigns the expenses of their war against the independence of France; the agreement that the troops of the allies should be quartered for years in the heart of France, and that she should hold herself bound to support the army of occupation, filled full the measure of universal detestation. To stifle the expression of this feeling, the censorship was instituted, the law of election was altered; prosecutions for political offences became frequent, and the more zealous *ultras*, in a treasonable correspondence, begged the allies to allow their troops to remain in France, when they were about to withdraw them. At the Congress of Aix-la-Chapelle, France was leagued with the northern powers in their policy of legitimacy, armed intervention and stability, — a policy more fully developed at Verona in 1822, and which it devolved on France to illustrate in 1823, by the march on Spain of one hundred thousand French troops for the suppression of democratic principles in that peninsula; so that it was not enough for this high-minded and chivalrous nation to be forced to relinquish with bitter regret the fruits of so many years of suffering, but she must be made the miserable and unwilling instrument in the hands of her masters to crush the rising hopes of liberty among a neighboring gallant and much abused people.

Louis XVIII., well-meaning but weak, died, and the crown passed to

Charles X., bigoted and obstinate. The victory of Navarino lighted up for a moment the sombre gloom of his short and luckless reign, and the conquest of Algiers threw a gleam of transient splendor over the last days of the house of Bourbon; but the general aspect of his affairs was lowering and ominous. The last three ministries in the service of legitimacy, those of Villele, of Portalis, and Martignac, and finally of Polignac, conducted the government to the precipice over which it threw itself on the day of the issuing of the three fatal ordonnances. The inconsiderate outrage that day offered to the genius of democracy, by an administration smitten with judicial blindness, "Unweetingly importuned their own destruction to come speedily on them."

The intolerable provocation with which they dared to insult the enthralled Samson, "despised and thought extinguished quite, his fiery virtue roused;" and grasping the pillars whereon their much-abused power reposed, he tumbled the whole fabric into a promiscuous ruin.

The revolution of July, 1830, must not be judged by itself, or by its immediate effects; but as the first of a new series of revolutions. It is the beginning of the *débâcle*, — the grand breaking up of the general congelation. It has sanctioned the doctrine of the sovereignty of the people, and dealt a fatal blow to the absurd notion of passive obedience. For the first time, too, the foreign powers have forborne to interfere, for which quiescence they had doubtless two good reasons; first, the consciousness that their own armies and people sympathized with the insurgent nation, and not with the overthrown dynasty; and that therefore it might be apprehended, if they should be marched into the infected region, that a sudden development of their predisposition to liberalism would produce an incurable derangement of their steady habits of obedience; second, the recollection that the career of Napoleon had demonstrated that the south-west of Europe holds the good military position against the northern despotisms, and that in case of a rupture, France can make a foray upon either of the capitals of the holy allies, at her election. This is a great point gained; the abolition of hereditary peerage is another, though it must be confessed that in most respects the change of masters has not been a change of system. The significant coldness with which Russia received the annunciation of the new dynasty left the French no room to doubt, that if it was not prudent and convenient to resent their late exercise of the right to be pullers down and setters up of their own kings, still they were considered as on their good behavior for the future. The government looked for support, and even for toleration, from foreign despotisms, only in proportion as it should disappoint the expectations of those who achieved the revolution, and it seems to have been anxious to deserve the forbearance of the self-constituted regulators of the continent. The venerable Lafayette was shuffled from his post of commander-in-chief of the National Guards; the office itself was abolished: unpopular nominations were made and persisted in; the men and the principles of July were discountenanced; Poland was left to struggle and perish unaided; the projects of the movement party were disconcerted, and their policy scouted, and the rule of action seemed to be never to advance while it was possible to remain stationary. On the whole, it may be pronounced that this experiment is conclusive of the fact, that either branch of the house of Bourbon is equally incapable of ruling an enlightened nation in a liberal spirit: and though we cannot expect such an event immediately, still we are waiting for the occurrence of another more effectual revolution, to be accomplished by moral means, and to finish the work of the last.

The Spanish peninsula, whose position recommends to it so strongly a perpetual neutrality, and whose colonial dominions contributed so much to estrange it from the internal order of Europe, has unwisely entangled itself in quarrels with which it had no concern, and has consummated its own ruin by unnecessary connections and unnatural antipathies. With an intellectual, brave, ardent, passionate, heroic population, — souls formed of fire and children of the sun, — a licentious and bigoted court has neglected the advantages and wasted the resources which the national character afforded, and dragged her along the brink of frightful precipices to a melancholy but sure perdition. Hurried, against her interest, into the war of conspiring monarchs against the French republic, a war in which the lavish expenditure of her treasure, her commerce, her possessions, and her fame, led only to most discredited results, she was left to conclude by an ignominous peace, those hostilities which she should have avoided before they were ventured on. Scarce was the treaty signed, when she foolishly entered into a contest with Great Britain, an enemy with whom she could never cope, and out of the series of losses and disasters which she experienced on this occasion she was brought by the peace of Amiens, chastised but not made wiser by her sufferings. When this short truce was broken, Spain purchased of Napoleon permission to remain neutral by the payment of a monthly tribute, and by secret reinforcements of seamen for his navy; an arrangement which England resented by the capture of her bullion fleet and the destruction of its convoy. Not content with this flagrant violation of the laws of civilized warfare, she proceeded to demand that the equipment of ships of war in Spanish ports should be forthwith suspended. The requisition was not complied with: His Catholic Majesty felt compelled to declare war against England. In less than a year after Spain had avowed herself an enemy, Nelson annihilated her marine at Trafalgar, the crowning victory of his bright career; while shortly after, Miranda excited the insurrectionary spirit in her American provinces, which four years later he instigated to break out again under more favorable auspices, and which slumbered not until her vast colonial possessions were severed from all dependence on the parent state. Under the guidance of Godoy, the infamous Prince of Peace, lured by the promised spoil of Portugal, Spain was but too deeply involved in the ambitious enterprises of Napoleon, while her royal family, embroiled in domestic discords, offered a tempting and an easy prey to the iron grasp of the conqueror. Whether it were his passion for aggrandizement, or a philanthropic wish to deliver a gallant nation from the miseries which a misgovernment, the most preposterous, was inflicting on her, or the undeniable necessity of making her resources subservient to his general system under a more energetic and efficient administration, or all these motives combined, the opportunity was too flattering to be resisted: he converted Spain into an appanage of his imperial family, and delegated his brother Joseph to occupy the vacant throne. The throne was filled, the military posts were seized, the passes guarded, and the country seemed to be permanently subjugated before a blow was struck. To alleviate the bitter feelings which subjection to a foreign master never fails to excite, the new dynasty proposed to confer on Spain blessings of incalculable value. It tendered political regeneration to a people exhausted and degraded by the vile misrule of a despicable tyranny. It conferred and guaranteed a new constitution eminently calculated to draw forth her neglected resources: it abolished that antiquated restrictive system, which had there, as is its tendency everywhere, depressed agriculture and destroyed commerce: it provided more effectually for the protection of persons and property, a more equal and vigorous administration of justice, means for the education of the common people, equal toleration to all sects of religion, equal protection to all classes of industry. It swept away the tribunals of the infernal Inquisition; it cut off the exorbitant privileges of the aristocracy; in a word, it emancipated the industry, persons, property, and consciences of the people. In these intentions it was sincere, for Bonaparte's interests were identical with those of Spain. By raising her people from the permanent inferiority into which vicious institutions and the debasing influence of a corrupt, profligate, venal, and perverse government had degraded it; by exalting her in the standard of improvement to a level with the most civilized nations of modern times, he hoped to develop rapidly those immense resources which he was desirous to employ. But the haughty, headstrong Spaniard took little note of this, obvious though it might be to the obtusest intellect; an infatuation possessed him, over which he has since lamented with many crimson tears. The blind fanaticism of the monks, natural enemies of an enlightened government, the brutal ferocity of a crafty, cruel, and vindictive people, broke into open rebellion everywhere; and extraordinary, wild, and anomalous was the manifestation of popular wrath which burst in an overwhelming hurricane upon the heads of the devoted French.

War to the knife and the knife to the hilt, was not only proclaimed by Palafox, but carried on by innumerable chiefs of bands of guerrillas. The uncontrollable fierceness of anger, and the long cherished tenacity of vengeance, which are characteristic of the Spaniard when provoked, exhibited themselves in deeds of ruthless cruelty. Officers and even civilians travelling in security were waylaid and shot; every straggling soldier that could be cut off from his detachment was butchered by the mob; the sick, the wounded, and the medical attendants were murdered without shame or remorse, and French troops, who had surrendered themselves prisoners under a solemn capitulation, were massacred in cold blood in the face of day. Treachery was employed to inveigle victims into the toils, and assassination wreaked itself on innocent and meritorious citizens as well as enemies. Yet these ebullitions must have subsided, this outbreaking of passionate enthusiasm would have died away from the excess of its undefined fury, had it not been fostered by British gold and British arms. Napoleon pushed forward several columns, each resting on the main army from which it radiated, and spread them over the peninsula, overpowering opposition as they went. But the directing head could not be everywhere at once: while he was settling affairs with Austria, the irresolution and incapacity of Savary and Dupont led to disasters which neither the daring intrepidity of Junot, the ever watchful activity of Soult, the fiery impetuosity and long tried skill and valor of Ney, nor all the sagacity and genius of Massena, the favorite child of victory, were sufficient fully to retrieve. During six bloody campaigns, the tide of war ebbed and flowed, till fortune and the elements drove back the child and champion of the revolution discomfited from the smoking ruins of Moscow, and then it was that the victorious Wellington, defeating them in one pitched battle after another, chased the survivors of that hard fought struggle across the Bidassoa.

Spain is now freed from a foreign yoke, and her national independence is secured; is she to be freed from the yoke of that legitimate despotism which had dilapidated the resources, perverted the moral sense and debased the lofty character of the nation; is the individual independence of man to be recognized; will a grateful king, not unmindful that the best blood of his people has been poured out without stint, like water, in his cause, respect their rights, accede to their reasonable requests, and ratify the constitution they have established in his absence? Alas! no. That constitution he annuls, the regency and the Cortes, whose mistaken patriotism had preserved for him the throne of his ancestors, he arrests and punishes for the crime of having been faithful to him. He restores the convents, recalls and reinstates the Jesuits and revives the Inquisition. The friends of the Cortes and of Joseph are condemned alike, with their wives and children to perpetual exile. Officers who had aided in his restoration are executed as conspirators if they incur the dislike of the domineering monks, and his few honest counsellors are banished or imprisoned because they dare to utter unpalatable truths. Meanwhile the privateers of the South American patriots cruised before Cadiz, cut up the commerce, and captured prizes within sight of the coast. Vast preparations exhausted the national resources, to attempt the chimerical project of reconquering the American insurgents, and the people were exasperated with extraordinary taxes, while the industry and property of the country were encumbered by heavy loans to supply the deficiencies which extortion could not satisfy. When this genuine Bourbon returned, and his people received him with open arms, he had pledged himself to grant them a liberal constitution, security of property and person, and liberty of the press: the perfidious monster fulfilled none of these fair promises, but committed instead all the enormities that have been described. Human nature could not long endure it The very army, proverbially the passive instrument of despots, revolted against such an atrocious dereliction of good faith, and so execrable an abandonment of every principle of duty, gratitude, or honor. Riego raised the cry of liberty on the first of January, 1820, and Quiroga, delivered from confinement, superintended the rising of an insurgent nation. Ferdinand abandoned by his troops swore to support the constitution and summoned the Cortes. Now was the time to redeem his honor, and to repossess himself of the affections and confidence he had so justly forfeited. Let him be true to the oath he has sworn, true to the nation, true to the spirit of the age, and oblivion will close over his glaring and multiplied offences. A magnanimous people would forget their wrongs and remember only the redressor. The glory of the nation would illuminate his name with some portion of its lustre; impartial history, looking only to final results, would deliver it to the remotest posterity with blessings and with eulogies, instead of handing it down forever to incur, what it now deserves and receives, the scorn, derision and contempt, malediction and anathema of the whole civilized world.

The spectacle of a free nation was not to be tolerated on the continent. France and her allied masters determined in their infernal conclaves the ruin and the misery of unfortunate, noble Spain. A hundred thousand soldiers crossed the frontiers, under the Duke of Angouleme, to tread out the last spark of liberty in Spain. Step by step, overcoming a brave resistance, he advanced through the country: the patriots unaided, were suffered to fall a sacrifice to their integrity: for though British allies, arms, and subsidies were furnished Spain for the defence of Spanish independence against a benefactor who effected melioration forcibly, Britain could not spare a soldier, a musket, or a shilling to defend Spanish liberty against foreign invasion when it came in the name of a legitimate tyrant to inflict on his miserable subjects absolutism and all its concomitant woes. On the thirtieth of September, 1823, the absolute king left Cadiz and joyfully threw himself into the camp of his deliverers. From that fatal day when Ferdinand, the ingrate, again found in his grasp that iron sceptre, with which from May, 1814, to March, 1820, he had oppressed a generous people, down to the present date, one continued system of persecution has been constantly pursued, which surpasses in its iniquity and perfidy the vilest and the meanest acts of Nero and Caligula. From that day Spain has been blasted with the paralysis of this abhorred legitimacy. Her choicest sons, unrighteously condemned to suffer a frightful death as the recompense of their civic virtues, have sought, from the free States of North America to the despotic empire of Morocco, a refuge from the atrocious injustice and fell pursuit of the modern Heliogabalus, who, ingrate and despot as he is, has succeeded, by the aid of the legitimates of Europe, in establishing a government as opposed to what the illumination of this age requires, as it is in harmony with the patricidal ideas of his brothers the late autocrat of Russia, the emperor of Austria, and the rest of the cohort of the sovereigns of degraded Europe. But though freedom's sacred fire be scattered and trodden down, some lingering sparks must yet survive, hidden and smouldering beneath the recent ashes. The misnamed Holy Alliance reposes in false security upon the bayonets of its mercenaries, — but let it be ever present to their recollection, that not the least portentous of the wonderful phenomena, which our age, fruitful in wonders, has exhibited, was the spectacle of a nation whose mercenaries in a moment became freemen, and raised that cry of liberty which made them tremble on their thrones. That if Spain displayed this then unparalleled spectacle in the year 1820, a neighboring nation has repeated it in 1830, and it is impossible to say how far such an example may extend its influence before another decade of years has run its course. Tyrants have taught the people to be free, and to value the blessings for the price it costs, and the bliss it brings. Without Tarquin would Rome have been free? It is with great justice that Rousseau has styled THE PRINCE of Machiavel the text book of republicans. The invasion of Spain by Napoleon, whether justifiable or unjustifiable, occasioned the wonderful impulse which European liberty finally received. The tyranny of Ferdinand prepared the public mind for the revolution of 1820, and the liberty then proclaimed, though overthrown, has left a germ in the Spanish soil which sooner or later must produce souls of a temper firm enough to undertake the destruction of that hydra of despotism which now proudly boasts, that it has secured forever its reign of abomination and infamy.

Of the remaining portion of the Peninsula, it is necessary to say but a few words in the present connection. Fear and jealousy of her stronger neighbor, Spain, had naturally led Portugal to throw herself into the arms of Great Britain, of which latter power she had been a mere dependency for more than a century. The Spanish revolution of 1820, was imitated in Portugal in the course of the same year. Encouraged by France and Spain, the apostolicals and absolutists, after incessant intrigues and rebellions with varying success, have at last subverted the constitution then adopted, though sustained by England under Canning's ministry. Since the counter-revolution triumphed, Don Miguel, proclaimed absolute king, has run a mad career of usurpation and tyranny. Poison and the poignard, secret assassination, and public massacre in open day, the execution of the flower of Portuguese nobility, confiscations of the most tempting estates, the imprisonment of forty thousand of his subjects on suspicion of dislike to the despotism which had wrested from them their liberties, and threatened their fortunes and their lives, the expulsion from their native soil of tens of thousands of its worthiest citizens; these are the means hitherto employed to perpetuate the withering curse of his domination over a prostrate, groaning, desolated kingdom; these are the proofs he has exhibited to an observing world, that a lawful sovereign, for as such the legitimates of Europe have recognized him, can overact the direst excesses of the foulest Jacobinism, and perpetrate deeds of unequalled enormity and baseness, without provocation or palliation, for the mere enjoyment of the spectacle of universal misery of his own creation. For five years helpless Portugal has been given up to him for a prey: this ogre has feasted his diabolical appetites in every modification of torture exercised upon her, which the ingenuity of malice could suggest to him, and has not yet supped full of horrors. We can only hope that a day of retribution must soon come. We trust indeed that it has arrived. Already in his dastardly flight from condign punishment, he hears behind him the exulting shouts of a capital freed from his detested presence: but though at last delivered from his fangs, Portugal must long languish beneath the wounds he has inflicted

If we turn to the Italian peninsula, the prospect there is scarcely more exhilarating. Northern Italy, the richer half, pertains to Austria, a power impregnably strong, who holds it with a grasp not easily loosened. Southern Italy must remain subservient to England as long as she commands the Mediterranean. Italy, the garden of Europe, the home of ancient power and the cradle of modern civilization, if incorporated into one free nation, might again be independent, powerful, and happy: but ferocious hands have torn her into fragments, and with all the elements of greatness and of happiness, *excepting union*, she is doomed to insignificance and misery. The republics which started into being, full of hope, at the stormy termination of the last century, have passed away like a shadow, and are forgotten: when Naples undertook to repeat the Spanish melodrama, the Holy Alliance precipitated Austria upon her; and a hundred thousand bayonets enforced the practical application of the homily read to her by the Congress of Laybach.

Notwithstanding these untoward circumstances, and in spite of their ominous aspect, the maintainers of the righteous cause by no means despair. Good principles have in their nature a recuperative vigor. They may be hidden in silence and lie buried in obloquy, but though you pile on them mountains, they will rise elastic from beneath the pressure. You cannot wash away the fond devotion to their natural rights, from the memory of a people whose hearts have once throbbed with the holy love of liberty, though you shed such rivers of their best blood as would the multitudinous seas incarnadine. It becomes an instinct and a passion, which many waters of affliction cannot quench, nor all the billows of adversity overwhelm. The blood of the martyrs is the seed of the church, and the dying exhortations of innumerable patriots, victims in the great struggle between right and power, falling like good seed into good ground, have brought forth an hundred-fold in the hearts of the survivors, unchangeable resolves to achieve their purpose, and steadfast hate against all who oppose its consummation.

Europe is full of firm, determined spirits burning for freedom, and no more fixed decree is written in the book of fate than that she shall be free. As sure as the God of heaven is a God of justice, so sure SHE SHALL BE FREE.

But although such are our hopes and such our confidence in human perfectibility in general, and in the future fortunes of Europe in particular, still it is not to be disguised that many obstacles intervene between her present situation and the ultimate fulfilment of those anticipations which a firm reliance on Providence enables us to entertain. These obstacles are the same which have hitherto prevented the suggestions of sages, and the exhortations of patriots, though received with hearty acquiescence by innumerable multitudes of the wise and good in every country, from effecting any considerable portion of those desirable meliorations in the condition of the political world at which they have aimed. Let us review the picture we have sketched and see what are these obstacles, that knowing them we may know how to avoid them; that being preëminently fortunate in our exemption from their baneful operation, we may know how to guard and preserve, to the latest posterity, the invaluable prerogative. Let us look back and ask, why such repeated defeats, such melancholy disasters? Why have the very experiments which seemed richest with promise, proved blackest with disappointment, and the golden fruit, fair to the eye, only mocked the taste with dust and bitter ashes? Why have so many well meant, generous efforts, of so many splendid capacities, of so many magnanimous hearts, undertaken under the most favorable circumstances, ended in grievous loss — worse route — more miserable ruin? The answer to these questions, in which philanthropy is so deeply interested, may be comprehended in a single word, — a word which speaks volumes of consolation and encouragement to ourselves. The great secret of all THEIR misfortunes, the fatal clog, the weight that hangs like a millstone about the neck of European liberalism, is the absence of a real, substantial, national independence. For this fundamental defect in their system, they have as yet found no remedy, and probably none can be found till the doctrine of the right of interference is abandoned in practice by all, as most have already renounced it in theory.

Independence is the talisman which secures all our other blessings, among which peace, prosperity, and liberty are not the least, and it is to the federal Union that we owe both it and them. Let us examine the evidence of this proposition and then we shall be prepared to appreciate the value of independence, and recognize that the declaration of the fourth of July, seventeen hundred and seventy-six, sanctioned by the treaty of seventeen hundred and eighty-three, gave us not the empty name of independence merely, but a *real independence*, then we shall be prepared to feel the force of the sentiment, *the federal Union, it must be preserved;* a sentiment worthy the lips of the illustrious chief who uttered it, and whose talents, energy, and influence are all concentrated to the one grand purpose of preserving the Union.

When on the twenty-first of February, seventeen hundred and eighty-seven, a grand committee of which the Honorable Nathan Dane was chairman, reported to Congress their entire conviction of the inefficiency of the federal government under the old confederation, and of the necessity of devising such further provisions as should render the same adequate to the exigencies of the Union, and strongly recommended to the different legislatures to send delegates to the convention at Philadelphia which formed the present Constitution, they not only felt the evils to which the want of a supreme federal head exposed the country, while the bands of union were so loose that we could not be entitled to the character of a nation, — they not only perceived that the country stood upon the verge of ruin; divided against itself; all ties dissolved; all parties claiming authority and refusing obedience; sedition, though intimidated, not disarmed; ourselves in debt to foreigners, and large sums due internally; the taxes in arrears are still accumulating; manufactures destitute of materials, capital, and skill; agriculture despondent; commerce bankrupt,* — they not only saw and felt all this, I say, but they felt the imminent danger of still greater evils which as yet they knew not of; they saw the combustibles collected; the mine prepared; the smallest spark capable of producing an explosion. Their sagacity showed them in no distant future the fearful vision of the abyss of anarchy into which they must plunge when that explosion had scattered the crazy fabric of their government. Hanging over the precipice they gazed into the dark recesses beyond, and there beheld the broken and dishonored fragments of a once glorious Union; States dissevered, discordant, belligerent; a land rent with civil feuds, or drenched, it might be, in fraternal blood.† The Congress who accepted that report knew well that a way of escape must be found from the perils that environed them, and they knew, too, that no other refuge remained than the possibility of erecting an efficient, substantial, and permanent government. They knew that a more intimate union of the States must be established or the country must perish: every ray of hope that could light them on in any course but this, was already extinguished. When Washington, in the same year, consented to serve in the convention called for that purpose, to assist in "averting the contemptible figure which the American communities were about to make in the annals of mankind, with their separate, independent, jealous, State sovereignties," he was fully aware of the momentous import of the crisis and of the appalling weight of responsibility which devolved upon the members of that body. He looked forward to success in this final undertaking as to a welcome salvation from the vortex of ruin, and he looked upon the failure of this attempt, if it had issued in failure, as upon the wreck of American liberties, and the catastrophe of republican governments forever.

It needed not the study of the Amphyctionic council, or of the Achaian league, or of any of those ephemeral alliances which were

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[*] Fisher Ames. March, 1787. [†] Daniel Webster. January, 1830.

continually forming and dissolving among the ancient petty states of Greece, to impress upon his mind the solemn conviction of the reality of the view he then took of the posture of our affairs. It was not necessary to explore the annals of the German empire; to peruse the chronicles of the unceasing and murderous struggles of the Italian republics; to search the history of the restless cantons of Switzerland, or examine the records of the United Provinces of the Low Countries; no, nor to recur to any other unsuccessful experiment, ancient or modern, to be abundantly satisfied that the relation of free States, bordering on each other and not restrained by a common government, is a relation of fierce, relentless, and almost unintermitted warfare. The circumstances of the times exhibited but too distinctly the prevailing tendencies; collisions were becoming every day more frequent and more violent; the fury of hostile passions was kindling fast, and, with a little more fanning would have burst into one universal, all-devouring conflagration.

Thanks be to God, America was saved. Under the guidance of Washington, and his illustrious compeers, she trod the path of safety, and her progress in it has been a career of unparalleled prosperity and glory. Her wise men erected the well proportioned edifice of a national government, upon which foreign nations could not look but with respect; under whose protection the several States enjoy securely all their reserved rights without encroaching upon each other's privileges or conflicting with each other's interests; beneath whose friendly shelter agriculture, commerce, and the arts thrive and fructify. May its blessings be magnificent as its objects, coextensive with its influence, and its duration lasting as time; and when, after a complete century shall have rolled over the continent, and two hundred millions of freemen calling our language their mother tongue, shall have peopled, but not crowded, our vast territory, may they as one united nation of brethren, look forward, through the distant and dim perspective of countless future ages, to the bright vision of coming generations, more numerous, wiser, happier, and better than themselves, successively, to the end of time, with the same confidence in the perfectibility of our race, and the same reliance on the overruling favor of Providence with which we now look forward to their destiny.

In these delightful anticipations we may indulge without fear of self-delusion; but had the relaxation of the federal government proceeded to its annihilation, had the Union been dissolved instead of strengthened, there are a thousand ways in which I might illustrate the miseries which must of necessity follow. Of these, the extent to which I have already taxed your patience will allow me to select but one, that to which I have already alluded, the calamitous course and disastrous issues of all the revolutions in Europe since our own. Let us begin our investigations with the history of France, since in France the revolutionary volcano first broke out, and all the other revolutionary phenomena of the old world are but secondary explosions consequential upon that grand primary eruption.

Whence originated all those abuses in France which rendered the revolution unavoidable? From war and from the liability to war to which the nation had always been exposed. The origin of privileged classes was in war and conquest. The Franks had conquered the Gauls, and the nation was for a long time composed of two classes: the invaders, the Franks, formed the nobility; the subdued Gauls were the commons, the peasantry, *roturiers*, base-born. The aristocracy not only derived its origin from conquest: it supported itself by war. An immense military establishment was kept up, and to them belonged exclusively all the titles, honors, emoluments, and influence of military command. The government was despotic, because a constant recurrence of wars made a very strong government necessary to develop the energies essential to the defence of the nation, and because the consequent superiority of the military class over the civil, and the concentration of the military power in the hands of the sovereign had enabled the government, particularly during the reign of Louis the Fourteenth, to make itself even much stronger than was necessary, and indeed to monopolize all power in itself. The court squandered away the treasures of the nation, because it is the natural tendency of a military life to beget a passion for splendor, pomp, and profusion. The army — I mean those who held military honors as well as those who served — absorbed most of the resources of the nation, because it is the nature of that branch wherever it is suffered to grow, to determine to its own supply the best part of the sap of the whole tree. The church was rich, burdensome, and overbearing, because it was the natural ally of the aristocracy, and propped up their usurpations to be by them maintained in its own. The nation was in debt, because, while the disbursements of the government were excessive, the military aristocracy and their religious allies had exempted their own property, no small part of the wealth of the country, from all taxation, and the revenue that could be wrung from the commons by taxing them to the utmost limit of sufferance, would not meet the current expenditures of the year. The taxes were exorbitant, because the people had to pay the expenses of the government, the profligacy of the higher orders pensioned by the government, and the interest of the odious debt whereby the industry of the country was mortgaged before it became available, and made tributary for years to come to the support of these abuses, —

while the privileged exempts made it their business to spend all and contribute nothing. And so wherever the military principle decides the fundamental character of the government, we may expect to find not merely an overgrown standing army of soldiers, placemen, and pensioners, devouring the substance of the people, but its concomitants, an oppressed and overburdened people, a church rioting in luxury, a merciless aristocracy feeding upon the fat of the land, a court all-grasping and insatiable, yet with an always empty treasury, a debt hanging over its head which it would beggar the nation to discharge, and presiding over this whole prodigious system a military executive, in other words a despotic ruler, no matter by what name, consul, director, dictator, protector, king, emperor, czar, or sultan. I do not say that every article of this description applies to every government in which the military power makes a component part; that would be far from correct. But in proportion as the government is more or less military, the description will be found more or less applicable. We can now see how our Union cuts up by the roots the main causes of misgovernment and despotism. The abuses that have been enumerated, grow up where a state of soldiery professed predominates; and this can only take place where war, or the apprehension of war, is perpetual. Where prudence requires great armies to be kept on foot, and frontiers of neighboring rivals to be jealously watched and lined with garrisoned fortresses, popular institutions have never yet been able to maintain themselves. We have no rival nations on our frontiers, and as long as the Union lasts we can have none; we need no standing army that can excite a moment's apprehension; and our future wars, if we shall ever be so unfortunate as to have any, must be carried on principally through the instrumentality of navies, a species of force less liable than any other to the objections that have been made against standing armies. Our Union then preserves us from the operation of those influences which have deprived most other nations of their liberty.

When France undertook in good earnest the reformation of all political abuses, what gave the controversy that ensued so malignant a character? The opposition of the privileged classes, using the power they derived from their situation, which, had France been an island a thousand miles from an enemy, they would never have possessed, to defend their pretensions. Their resistance stemming the torrent for awhile, caused it to gather head and burst with greater force when it had accumulated strength to sweep before it all obstacles. When the National Assembly had extorted every thing it could ask from prostrate royalty, when a just revenge had stormed the Bastile, laid open its horrid confines to the light of day, and levelled its dismal walls; when the National Guard had been organized under the true-hearted La Fayette, to prevent any disastrous surprise or retrograde movement, and to hold within the power of the people the advantages they had won; when the Assembly had unanimously abolished all feudal rights, and the confiscated estates of the church had furnished the means of freeing the treasury from its embarrassments, and at the same time alleviating the burdens of the people; when the declaration of the rights of man had been adopted, when a free constitution had been prepared, and the king of the French, proclaimed the restorer of French liberty, had sworn to maintain that constitution, perhaps in good faith, certainly without the means of breaking his oath; what point of support remained *in France* upon which the aristocracy could fix any species of political enginery to shake the new order of things, or to make any even the most desperate attempt to recover their lost ascendancy? The acutest vision could discover none. But woe to nations situated in the midst of rivals and enemies.

A resource presented itself in *foreign intervention*, and the fallen noblesse eagerly embraced the opportunity of an alliance with the foes of the French people. Had there been no hope of foreign intervention, the nobility and clergy would not have emigrated, of course no emigrants would have returned in the van of invading armies. The revolution would have been accomplished, and after the tempest of so wild a commotion had had time to subside, France would have settled down quietly into a permanent enjoyment of a rational liberty. But the arming of the emigrants, followed by the declaration of Pilnitz, by Austria and Prussia, drove the legislative assembly to a declaration of war. Russia and the German empire joined the coalition against democratic principles. The terror of the allied arms brought violent measures into favor with the people, and gave the Jacobins the predominance in the assembly, and still more in the convention which followed, and which was elected during the highest pitch of excitement. The infuriated passions of the populace, wrought up to frenzy by the invasion of the Prussians, and emboldened by the victory of the republican forces at Jemappe, gave birth to the decree of the abolition of royalty; and afterwards compelled the convention, but by a bare majority, to the condemnation of the unfortunate Louis. The allied invaders approached the seat of that ancient monarchy, only to hear the crash of its fall as it tumbled into ruins, and were driven back with utter discomfiture. The republic offered fraternity to all people, and proclaimed war against all kings. The coalition against it became universal; while, fomented by foreign intrigues, a civil war arose in La Vendee to avenge upon the regicides the death of their sovereign. The cause of the revolution seemed to be lost: the people stung to madness vented their rage in savage and brutal excesses; reckless of all subordinate considerations they cared not by whom, or how, the government was administered, if it possessed, and exerted energy sufficient to maintain the integrity and independence of France. It was the vital struggle of the nation; and the people in their despair, were indeed criminally indifferent what, or how many individuals were sacrificed, if the nation could be saved. The republic armed itself with the weapons of terror. The ferocious and sanguinary Mountain seized the reins of government, directed the fury with which they inspired all ranks successfully against the invaders, and ruled the nation with the guillotine. Who does not see that had France been situated *geographically* as we are, the atrocities of this period would have been impossible? Who can believe that the reign of terror could have continued for one week in Paris, had the ocean rolled between France and her foreign enemies?

I might proceed with this review, after the fall of Robespierre, and through the whole period of the Directory, and show, step by step, the inherent impracticability of all the plans of liberty that were tried or proposed, so long as it was necessary that the nation should clothe itself in panoply, and rush *en masse* to the frontiers, to defend the integrity of its territory, and its independent existence. While such questions were pending in the field, there was no time for deliberation at home, for cool reflection on theoretic principles, or nice adjustments of checks and balances: and even if there had been, few limitations could profitably be imposed upon an executive whose first function it was to wield at once, and with the tenfold energy of the new system of tactics, the thirteen armies of the republic, and to launch them with an all-subduing impetus, upon Savoy, Nice, Belgium, Germany, and the Netherlands. Such a government, in such times, must be too weak to execute its office, too weak to stand the first shock of a revolutionary earthquake, or else far too strong for the popular liberties, two strong to suffer any theoretic checks to have much practical operation in controlling its movements. In running the eye over the succession of events, and recalling the rapid transitions that occurred at this time, in all the facts which present themselves to our observation, we read the same lesson, our own peculiar felicity in possessing the best part of a continent to ourselves, without hostile or intriguing neighbors, to attack us by force from without, or to excite internal troubles among us by fraud, — too happy, if we but understood our happiness. Particularity, however, would be superfluous here, since the rise and overthrow of the Empire, teach the same great lesson in a much more emphatical manner.

While Bonaparte was absent in Egypt, it became apparent that the tottering Directory, undermined as it was by the Bourbonists on one side, by anarchists on the other, was too weak to sustain itself against combined Europe. All that the revolution had gained must be given up for lost, and the blood that has deluged France was spilled in vain, if a stable government cannot be formed, and clothed with powers adequate to the crisis. Moreau who declined, Joubert who accepted the offer, were invited by their friends to assume the helm; but the latter fell at the battle of Novi. The case became more critical, and the need more urgent of a chief magistrate of commanding character, who could unite contending factions, and form a nucleus for the friends of order, and of the revolution, to rally around. He must be a statesman of the highest grade, to overcome the intrinsic difficulties of the foreign relations, and to adjust the fluctuating elements of society at home. He must possess unrivalled military talents, to cut whatever Gordian knot his policy cannot unravel; and as genius cannot operate without instruments, his influence must be based on public confidence, and that this may be permanently secure, the principal directors of public opinion must feel and acknowledge the supremacy of his intellect, — he must be the favorite of the people, and the idol of the army.

Bonaparte returned, the man whom fate provided for the occasion. All eyes were fixed upon him; all hearts implored him to rescue his humbled country from the thick dangers that beset her; to become the redeemer of despairing France. It is no new discovery that amid the din of arms, the voice of law is hushed. A revolution, in which a column of grenadiers supplied the immediate impulse, concluded the directorial rule, and installed the new Consulate. Its power was military in its occasion, the pressure of foreign foes; military in its origin, the favor of the army; military in its mode of creation, by an assembly of officers, through the instrumentality of bayonets; and depending on the *prestige* of military glory for its endurance. That bright illusion outdazzled the splendid victories of the great monarch, Louis XIV, and produced the full effect expected from it. The military spirit predominant in the State, its military position with reference to the continent, as they had first called into being the Consulate, strengthened its hands. Surrounded by irreconcilable enemies, distracted, impoverished, disorganized, France willingly intrusted to the first consul the powers without which he could not repel the foes, quell the factions, and restore credit and order. Every branch of the government required reform; he undertook to re-model and direct all its operations, and thereby concentrated in himself all its functions. The title of emperor followed the assumption of all-controlling power; the renewed war stimulated the military spirit to still greater excess; the military establishment acquired a gigantic disproportion to other classes in the State, and the government became, and for some years remained, essentially absolute. Could

France have enjoyed repose after the treaty of Amiens, she would have demanded and gradually obtained guarantees of civil liberty: but while her victorious legions embodied the vigor and youth of the people, the head of the army was the autocrat of the nation, wielding an arbitrary, unchecked, irresponsible power, exercising the full force of his dictatorship to develop the tremendous energy necessary in his novel and peculiar strategy, monopolizing all free action to himself, and carrying constraint through all the ramifications of the social system. To consolidate the fabric of his empire he surrounded his throne with subsidiary institutions, and provided for the aggrandizement of his family and his followers: his brothers became kings, and his generals constituted a new nobility. His genius planned a collossal fabric and reared it in its full proportions, but its vastness was the very cause of its downfall. It occasioned umbrage, jealousy, fear, and hatred everywhere. France was exhausted by over-exertion to maintain it; a universal reaction rose against it, and it was overthrown. When Napoleon appeared a second time on the scene, a panic spread that he would re-construct his former power and overshadow the sovereigns once more. It was an idle fear, but it sufficed to rally them again, to his final overthrow. That the subsequent efforts to establish freedom in France have failed, for want of that perfect and absolute independence of foreign influence, which we alone enjoy, has already been sufficiently shown.

That Spain cannot unloose her fetters because France has riveted them on her; that Spain still endures those degrading institutions which have obliterated her national virtues, because she has been too much exhausted, impoverished, and depressed by long wars in which she has been involved by her neighbors, to have the power of resistance left;—that Portugal, having relapsed into helplessness, through the habit of foreign dependence, is now writhing under excruciating tortures inflicted by an usurper with the countenance of the legitimates, because her military caste at home leans for support on the military aristocracy of Europe, and her unarmed citizens have no means of defence, is equally obvious after what has been said.

That northern Italy cannot be free because of the immediate pressure of Austria; that Naples cannot be free because the Holy Alliance commissions Austria to extinguish her freedom; that Italy, as one great nation, with historical recollections to animate her, such as belong to no other people, cannot be independent of these influences, and free in spite of these enemies, with her eighteen millions of inhabitants of a magnificent country, speaking a common language, holding a common faith, their true interests common, having the sea on three sides, and the Alps for a northern barrier, because her separate States have no bond of union, and from their mutual hatred can hardly hope to have, while two deadly factions struggle for mastery in each of those States, is too evident to require further elucidation.

The German empire has long been the mere shadow of a political body, possessed of no real strength either in peace or war. Before it was dissolved in 1806, it contained a congregation of nominal princes without States, whose suppression has considerably meliorated the condition of Germany. The confederation now contains only thirty-eight members, instead of several hundred as before. "This shows that some progress has been made towards the great object for which Germany has sighed for centuries, unity and independence." "It may be asserted," says a German, "that union is at present more necessary for Germany than liberty; at least, give her the former and the latter will soon follow." With union she may "rest from the bloody conflicts in which for centuries Germans have slain Germans, and which have wasted their wealth, checked their industry, impeded the development of public law, and extinguished in their literature that manliness, which is so striking a feature in that of a neighboring nation partly descended from them." Lying in the centre of Europe, bordering on three seas, with numerous large rivers, it should have been one of the first commercial States of the world; but its disorganization produced incessant intestine wars, and what is no less to be lamented, a restrictive system, with its ruinous effects, which reduced it to a subordinate rank among commercial nations: in short her imbecile confederation has made one of the most extensive countries in Europe, one of the most impotent. Her thirty years' war, to go back no further, with the anarchy and chaos she has presented ever since that awful tragedy, form the most instructive study for all who would coolly "calculate the value of our Union." To recapitulate all that would assist in the calculation would occupy volumes. The fact that disunion paralyzes her energies as it does those of Italy, and keeps back thirty-four millions of the noblest race of mankind infinitely behind their brethren of England and of America, making their "unhappy country the theatre of foreign aggression, domestic convulsion, and political oppression," is abundantly sufficient, without pursuing the subject into details, for the purposes of the present argument.

The fate of Poland and its causes, civil discord and foreign interference, are too well known to be more than mentioned here. The sufferings of Prussia during the general war, a small State in the midst of great ones, torn by their contests, and crushed by their collisions, would furnish an impressive warning, if we had not already more striking instances in larger States. Austria is the hammer with which Russia rivets the fetters of Europe. That these two powers could not exert a deadening influence on the liberal spirit of the continent, nor exclude it from their own dominions, if the military element did not enter largely into the constitution of their governments, is too obvious for proof.

The situation of Great Britain demands a more particular examination: but I have not time to enter on it now. I will only allude to the point that bears directly on the topic of this address. What makes reform dangerous though inevitable? The artificial system in which her entanglement in continental affairs has involved her. Her debt carried to that amount that it can hardly be increased, or endured, or reduced, for vast military and naval establishments, for subsidizing the nations of the continent, for Pitt's system of eternal war against revolutionary France. It was necessary that British arms and British gold should win victories abroad to keep the power in the hands of English tories at home. The power has departed, but the debt remains.

The view we have just taken of the condition and recent history of the principal nations of the Old World, abundantly confirms the position we have advanced, that the federal Union is essential to our independence, and that more than one substantially independent nation could not exist within our present limits. It establishes further that a real national independence is essential to liberty, and a comparative freedom from such wars as are carried on by standing armies, essential to any high degree of liberty. In the words of Washington, taken from that farewell address which cannot too often be quoted, the unity of government which constitutes you one people, is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize.

Should this unity of government from any cause be abandoned, it is not to be inferred from these remarks, that we should at once be placed precisely in the situation of the nations of Europe, whose misfortunes we have been considering. In some respects, our condition would be more eligible than theirs; in others, quite the reverse. From many of the grievous plagues that infest their social state we should be at the first outset exempted; but it would require the gift of prophecy to say how long we should continue so. We have no aristocracy, and should have none till war had built up a military order of nobility. We have no debt, but all the sources of revenue that would be left available are so exceedingly unpopular among us, that to meet the heavy expenditures that would be indispensable, debts would grow up like mushrooms, at enormous rates of interest, and to an amount not to be foreseen; if indeed the credit of the precarious governments formed under such circumstances, did not prove too weak to obtain funds on any terms, in which case the property of the country would be subjected to an operation more deplorable in its effects than any debt; a system of confiscation and plunder, such as has frequently followed violent revolutions in all ages, and such as has often been resorted to in the South American States. But our people are animated with the love of liberty, it will be said, "it is interwoven with every ligament of their hearts," and therefore they will never wear the yoke of a military despotism. The Greeks loved liberty better than they loved life, yet some Greek States were held in the most galling bondage by others; there never was a time when the principal Grecian States did not lord it over the lesser. The Romans loved liberty to such excess that they esteemed the assassination of a personal friend a glorious action, when that crime was perpetrated for the sake of liberty; yet Rome bowed beneath the sway of the Cæsars. An inextinguishable love of liberty burns in the bosoms of the French; yet the liberty they so ardently desire and seek, they cannot obtain. What warrant have we that we shall love liberty with a stronger, a more enduring, a better omened passion, than the French, the Romans, or the Greeks; what warrant, save our one, sole, conservative principle, our federal Union? Again, it may be said, we have no such hordes of unprincipled and abandoned wretches as are to be met with in the corrupt cities of the Old World; we have not the materials of which a *mob* is made, in the European acceptation of that term. True, but war makes more rogues than peace can hang, and the incessant wars which must rage between separate communities in our own territories, would multiply the class in a ratio beyond the power of calculation. The pressure of extreme poverty is unknown among us, the debasement of extreme ignorance is comparatively rare, so that there is not a populace, maddened by want and blind to consequences, ready to rush wherever a momentary impulse may lead them: but let property become insecure by frequent confiscations, and more frequent bankruptcies, from political revolutions, so that the inducements to the accumulation of capital shall be suddenly diminished, and tens of thousands who are now living by honest industry will be thrown out of employment; those who continue to labor, from the great reduction of wages, will feel the hand of poverty heavy upon them; high taxes to which we have hitherto been unaccustomed, will grind the middling interest into the dust, and a horizontal division, here as elsewhere, will distinguish society into pampered lords, and pauperized peasantry. Those who feel no concern in the management of the government, except the desire to throw off the burden that bears upon them, will cultivate but a small circle of political ideas: those who are so hedged in in a state of miserable destitution as to have no hope in life and no refuge but death, will waste but little time in acquiring a general education, which to their view would serve no other purpose than to fit them to feel more keenly the depth of their degradation: extreme indigence, therefore, would beget extreme ignorance. The circumstances in which we should be placed would, therefore, generate a large and constantly increasing class fit to become slaves themselves, and to help to make slaves of others, quite as certainly as they would produce ambitious and enterprising spirits disposed to make themselves masters, and would furnish opportunities, from time to time, to plot and execute conspiracies against liberty.

While, therefore, these peculiarities of our social condition, would not confer upon us so decided a superiority as might at first be supposed, there are some other particulars in which we should be circumstanced much more unfavorably than most other nations. Our newly formed communities would have *no natural boundaries.* Rivers are the worst possible lines of demarcation between jealous neighbors, because each party will continually interfere with the trade of the opposite bank. Our ridges of mountains do not pass where in all human probability the outlines of independent empires would first be drawn; on the contrary, they run through States, as at present constituted; and besides, in the present state of internal commerce, with the railroad and the locomotive engine, such mountains as ours are no longer impassable barriers. Without natural boundaries, the conventional limits will be continually fluctuating. The most fruitful source of warfare, an undefined territory and conflicting claims to a debatable tract between rivals, will entail implacable hostility on the contiguous nations. Whoever has observed how often the waters that surround her, have sheltered Great Britain from invasion, how often the Pyrennees and the ocean have protected Spain, how often the Mediterranean and the Alps have shielded Italy, how effectually her mountains have guarded Switzerland, how ill-fated Poland has fallen a prey to the spoilers because her territory was one vast plain, how futile has been the attempt to restrain France for any length of time, where nature has not drawn the line, how impossible it has been to fence in the Netherlands, even with a double barrier of strongly fortified towns, how Flanders, because it lay open on both sides to the opposing powers, has been made again and again the battle-field of Europe, till all its soil was fattened with the slain; in short, not to multiply instances, whoever has cast the most casual glance over the history of Europe, cannot underrate the importance of this consideration, pregnant with momentous consequences. Even the petty States of Greece, had for the most part natural fortifications stretched around them, an advantage of which we should be almost entirely destitute.

Another circumstance, most fortunate for the nation if we continue one people, most unfortunate if we should ever be constituted into many, is, that we have all *one language*, and with slight shades of difference, the same religion, manners, habits, and political principles. Nations having different languages, and different trains of thought and modes of feeling on most great subjects of human interest, have little mutual action: they move in different spheres, and there are but few points on which they have occasion to interfere with each other. Discussing the same topics in the same language, imagination can form no estimate of the fury with which political controversies would be carried on in the disunited States of this Union. The inflammatory harangues of leading demagogues in one State, would be circulated and read through all the rest; engendering antipathies and awakening animosity and wrath not easily to be allayed. Crimination and recrimination would proceed to intemperate vituperation and corroding calumny, and these would be retorted back with mingled scorn and defiance. The appeal to arms in which such collisions must inevitably end, from the similarity of character between the parties, must partake of the nature of a civil war, — fell, relentless, truculent, fiendlike; which casts into shadow the unspeakable calamities of ordinary warfare, by the direr horrors in which Moloch revels when fraternal affection is converted into fierce abhorrence.

No only have we no natural boundaries to divide our physical force, and no difference of language, religion, or general character to supply moral distinctions which would favor separation, but we have *no distinct interests* which each section might cultivate without need of assistance or fear of interference from the others. The agricultural products of the South furnish the medium through which our foreign commerce is carried on. If no cotton, rice, or tobacco, were shipped from southern ports, our merchants could not draw bills on England, nor could they find any other adequate means to pay for their purchases. To declare war against the South and blockade her ports, would therefore be an act of suicide on our part. She, on the other hand, is unfitted by the nature of her population and her pursuits, to carry on navigation advantageously: for the transportation of her merchandise it is her interest to be indebted to us, and were the Union dissolved, the empire of the ocean would remain with us, so that she could not transport her surplus products, but must leave them to rot upon the soil. To withdraw from the Union would be, therefore, equally on her part an act of suicide. The harvests of the West, where soil which has lain untilled since the creation, returns a hundred-fold to the cultivator, finds its way to the markets of the world only through the Atlantic coasts, or through the rivers that flow into the Gulf of Mexico. Let the West secede from the Union, and the Atlantic States forbid a passage through their borders, while Louisiana, or a New England fleet, sealed up the mouth of the Mississippi, and all the crops of the noblest valley inhabited by civilized man must perish where they grow. To renounce the benefit of the federal Union would be destruction therefore to the West. I forbear to enlarge upon the necessity which New England feels of a wider market than her own for her manufactured articles; the Middle States for their flour and grain; the security against a servile insurrection which the moral influence of the federal Union, with its preponderance of free white population, affords to the slave-holding States; or the entire freedom from taxation, the munificent bounties to education, the extensive and costly works of internal improvement which the West owes to the fostering care of the general government; because I have not time to exhaust this fruitful subject. I have enumerated mutual dependencies enough to show how deep and lasting injuries we should have it in our power to inflict on each other, and this will enable us to form some idea of the intensity of that natural hate which the exacerbation of such mutual wrongs must needs originate.

No balance of power could be established to preserve peace between the several confederations. In Europe, where changes in the number and pursuits of the population of the different countries take place gradually, and where they have passed through the fiery furnace of those afflictions which we must anticipate, and have learned that wisdom through suffering which we could only hope to acquire in the same school, — there, they adjust the political equilibrium, so that it remains undisturbed for a short period; and when alterations in the state of any member of the body derange the system, diplomacy endeavors to accommodate a new apportionment of power to the new state of things which requires it. But with us, where some communities would be rapidly developing their resources, while others were stationary, or perhaps declining, while the character and pursuits of the people were changing every day, as the wilderness was converted into fertile fields, and the sparse into a dense population, no such arrangement could be any thing more than a temporary expedient. Our States, watching each other with a jealousy that would never slumber, their interests clashing with each other perpetually, and often in new particulars, our passions acted on by the most prolific press that ever existed, scattering envenomed missiles of discord on the wings of the wind, and kindling the flame of popular fury, now here, now there, — not a year would pass away that did not change their relations to each other. Peace would seldom be more than a transient truce, and the sword would be the only acknowledged arbiter in their innumerable collisions.

Nor must it be omitted that *party spirit*, the bane of commonwealths, would have freer scope and wider sway among us than in the older countries, and would infest our narrower communities with a more virulent contagion than has ever infected the united republic. In most of the old countries, it is but a very small class that interests itself in the operations of government. The mass are too ignorant and too degraded to concern themselves with affairs so totally beyond their comprehension. They know and feel the government only by the dead weight with which it rests on them: under this they were born and have lived all their days, and of course have become habituated and in some measure reconciled to the pressure. They take no part in political transactions, but remain an inert and passive substratum, over which the battles of the higher classes are fought out, while they themselves are as seldom moved as the deep sea. It is not so with us. Our common schools qualify all our children in the art of reading, while ten thousand newspapers carry political information to every man's door. In our party agitations, therefore, it is the whole frame of society to its very basis that heaves and tosses. And if the fabric of the government sometimes rocks, now, when party spirit is comparatively mild and diffused over a continent, what ruinous convulsions must we not expect whenever parties are brought face to face, and pent up in small States, to spend their unmitigated fury upon each other: especially when we reflect that direct taxation, the species of oppression to which the people at large are ever most sensitive, will fall with a crushing weight upon each fragment of the broken Union the moment it is dissevered. Duties on imports could no longer be collected on the seaboard, because each section would underbid the others in its tariff, to entice away their commerce, and because smuggling over the frontiers could not be prevented: so that the vast revenue required to set on foot the necessary armaments, to build, equip, and support the separate navies, and to maintain, with proportionably higher salaries, stronger governments, must all be raised by the hard, ungrateful process of direct taxation. Discontent would excite rebellion against the sectional governments; each party as it predominated would decimate the front ranks of the other; the minority would league with the majority in the neighboring State, and invite an invasion to their assistance, and then revolutions, civil wars, and foreign wars would alternate and mingle their horrors.

Subserviency to foreign nations is not the least of the evils that would follow the rupture of the ties that bind us together. A section which found itself endangered by the superiority of another at home, would eagerly seek "an apostate and unnatural connection" abroad. However humiliating the terms on which their aid might be obtained, we should be driven to accept whatever terms the nations of the old world might offer us. When our allies became belligerents, we must enlist in all their quarrels. It would be their policy to foment by their intrigues all our dissensions, in order to make us more dependent on them, to prevent us from regaining any weight in the political balance, and to take from us, and share among themselves, that large portion of the commerce of the world, which, while united under a wise government, we shall always be able to retain.

As the bands of national government are strengthened in proportion as the number of the States increases, each State of twenty-four having less power to resist the delegated authority of the whole, than each State of the thirteen had originally, and as combinations among two or three States of fifty, if that number shall ever be reached, will be much less dangerous to the integrity of the Union than a combination of two or three of the original thirteen would have been, we may infer that the power of any new confederacy formed out of a part of our sister States, would be less competent to hold together its members than the present federal Union. The causes of disunion which had operated in the whole system, would continue to act with a centrifugal impulse in each of the parts; and with increased violence, for who can doubt that the majority would tyrannize over the minority with less restraint from generosity or conscientious scruples in each of the States, if they were cut asunder, than it ever can under the government of the Union. The history of the Greek and of the Italian republics shows that it would be so, for such is the nature of little communities with popular governments. Common sense applied to the case, shows that it would be so, for the struggles of parties would degenerate from honorable contests involving general principles, into the base altercations of personal rancor. Besides, the weight of taxation, augmenting as it must, would be a fruitful source of discontent, and they would have before them the example of a Union, older and more hallowed than theirs, successfully resisted and broken up. *The tendency to subdivision* therefore would grow stronger. Revolutions would spill the best blood in the land, and sunder confederations as soon as they were formed: ephemeral governments would rise and disappear, till anarchy held indisputed possession, and society was resolved into its original constituents, unless some influence of an opposite nature arrests this obvious tendency before the downward progress reaches this ultimate limit.

But there is another element which must enter into the calculation, whose influence is to counteract the tendency to perpetual subdivision, and that element is *military force.* The great will devour the small. The larger States will annihilate the separate political existence of their lesser neighbors, and if these last do not acquiesce in their unavoidable condition of inferiority, the right of conquest will put into the hands of the ruling States a rod of iron; the inhabitants of the conquered territory must be made *sub-jacti* — subjects — thralls; and the force their masters must keep on foot to secure their servitude will enable the successful soldiers who head their troops to make slaves of the citizens of the invading States, and involve victors and vanquished in one common doom.

This imperfect investigation of the probable consequences of disunion, brief as it has necessarily been, discloses sufficient cause of alarm, if indeed the Union has been put in jeopardy. The Union lost, all is lost: the Union safe, all our prospects are bright and cheering. We are happy to perceive symptoms of a growing conviction of this great truth in every quarter of the country.

Though from the present sound and healthy state of public opinion on this subject we cannot believe the Union to be in any immediate danger, yet we cannot but deeply regret the deplorable fanaticism which has seized upon an unfortunate and misguided sister State: South Carolina, distinguished for the number of her clear-headed and warm-hearted statesmen and patriots, till in an evil hour, the baneful theory of nullification took root in her soil. It flourished rank, and grew up a moral *bohon upas*, to blast and wither all within its atmosphere. Its pestilential boughs have overshadowed with their blighting influence the prospect of her noblest sons. We mourn their aberrations from the straightforward path of political duty, we pity the hallucination which has bewildered their strong but metaphysical intellects, yet we must not the less condemn the heresy which threatens our existence as a nation, our liberties as a people, and all the blessings which we hold most dear. Happily for us the voice of condemnation will preclude the necessity of raising the cry of war. Public opinion will strangle in its infancy the monster nullification, and thus, without the cruel alternative of intestine hostilities, we shall be delivered from the impending peril. But while we hesitate not to condemn their extravagance, let us compassionate and do all in our power to alleviate their distresses. Let us remember that partial and sectional legislation, while it is not warranted by the letter of our Constitution, is inconsistent also with the genius of our institutions. There can be no lasting peace which is not based on justice; but if any part of our revenue system is calculated to produce an advantage for one set of interests or one section of our country at the expense of another, its operation is unjust towards those whom it injures; and it must not be wondered at if they are loud in their complaints, and sometimes even push their opposition beyond the exact limits which sober reason would prescribe. Let us be first just, then generous. Let us remove all their grievances, and then the work of conciliation will be easy.

Washington, in that immortal legacy of the political wisdom which his active life had been spent in accumulating, the farewell address, every line of which ought to be indelibly engraved on the hearts of his fellow-citizens, tells us that it occurs to him as matter of serious concern that any ground should be furnished for characterizing parties by geographical discriminations — Northern and Southern — Atlantic and Western — and he bids us indignantly frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts. If, rejecting this advice, we press a course of policy which tends strongly to alienate an important portion of our country from the rest, we not only jeopardize our own Union, "the palladium of our political safety and prosperity," but we put in hazard all the blessings we enjoy under its shelter, and more than all we throw doubt and uncertainty over all the hopes of future improvement which mankind in every quarter of the globe may reasonably entertain.

The example of our free institutions in the full tide of successful experiment, does more to promote the progress of a rational political system on the other side of the Atlantic than all the speculations of philosophers who have reasoned, all the eloquence of orators who have declaimed, all the exhortations of all the authors who have written for the people, since mind first began to act on mind. Let them look at our firmly cemented Union, whose value is beyond calculation, and see how the economy and flexibility of local governments may be happily blended with the energy and strength of a general, central, controlling power. Here is illustration! Here is demonstration! With this brilliant spectacle before them, they need not doubt the possibility, nor dispute about the manner, of accomplishing the great ends of government, without invading any desirable liberty of the citizen. Let us not then suffer this hope of the world to sink in despair, — this beacon light of the tempest-tost nations to be quenched in blood, — this guiding star, on which the pilgrims of transatlantic liberty gaze with fond devotion, to go down in darkness and eternal gloom.

Already intestine dissension, to whose relentless power all the republics whose epitaphs are written in history have fallen a prey, has reared her horrid head among us. Shall we listen to the dictates of prejudice and passion? Shall we enter that career of civil strife, wherein, like the broad road that leads to the pit of woe, there are no steps backward?

It cannot be. Our guarantee is in the intelligence of the American people. The intelligence of the people is the original cause — the operating instrument — the sure palladium of American union and liberty. We have read the annals of those who have gone before us. We know how they tempted their destiny till it overwhelmed them. History has given us a faithful chart, and we know where are the rocks and quicksands, and where we must shun destruction. With our eyes open we shall not follow the downward path in which all the elder republics have preceded us to ruin. If the common welfare demands any sacrifices from New England, certain it is New England will never be backward to make them. In fidelity to the union, she is true to the core, and for no subordinate interest will she suffer it to be endangered. *The federal Union must be preserved, and will be.* Under its protection may we realize the dying wish of the patriotic patriarch of liberty — INDEPENDENCE FOREVER.

These speculations, prepared on another occasion, I have ventured to incorporate in this library, because it is necessary, at the present time, that every good citizen should understand the true interests of his country, and realize their value: more especially the working men of the republic, who are in truth the bone, muscle, and sinew of the nation. With them is deposited the physical force in every country: in our highly favored land a superior education endows them with a corresponding moral force. You do well then, gentlemen, to cultivate intelligence, — to make it a prominent object of your pursuits. Knowledge is not only power, — knowledge is also safety. It is the stability of our times, — our trust and stay amid the dangers that thicken around us. Foster then your intellectual faculties; treasure up useful information. So doing, you will qualify yourselves to discharge the duties of good citizens: you will enable yourselves to judge fairly of public men, and public measures: you will increase — vastly increase — your share of influence in the body politic, and you will feel more and more sure that you are exerting that influence in the right direction.

AN ADDRESS TO THE WORKINGMEN OF THE UNITED STATES OF AMERICA.*

FELLOW CITIZENS, — Society, as you very well know, is divided into two classes, — those who do something for their living, and those who do not. We are told on the very highest authority that in the sweat of his brow shall man eat bread. This was meant for the general rule, and as such it is undoubtedly true to the letter; but like all other general rules, it admits of exceptions. Though the vast majority of mankind are fated to labor, tug, and strive for the pittance upon which they subsist, still,

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* Published in the Workingmen's Library, 1833.

> "There are a numerous tribe who creep
> Into this world to eat and sleep,
> And know no reason why they're born
> But merely to consume the corn."

Even this tribe, however, are apt to feel the application of the general law after awhile, and to find their corn growing seriously deficient both in quantity and quality, unless they contribute something towards raising it,—but of that by and by.

Society has done much for every one of us, and we ought in return to do something for society. If you had been born and brought up in a desert, my friend, you would have been born and brought up a savage. If society did not protect you in the fruits of your labor, every thing you gained would be taken from you: if society did not protect your person, your security would depend only upon your strength and cunning: unless the common consent of society made laws and gave them force, laws could not afford us any protection. Without the protection of the laws, there could be no civilization: without civilization there could be neither refinement, nor knowledge, nor comfort, nor safety: we should be like the beasts of prey, at war; and worse than the beasts of prey, at war always with our own species. It is society then that enables us to enjoy peaceably all that we have, and gratitude and duty demand of us to do something for the welfare of society. This is plain enough, one would think, yet there will be some drones as well as bees in every hive. The bees have a right to all the honey which they make. They should keep a sharp look out to secure and enjoy as much of it as they can, and keep the drones as nearly in a state of starvation as their compassionate feelings will allow them to.

Just as bees are divided into workers and drones, so men, as I have told you before, are divided into the *do-somethings* and the *do-nothings*. Now I myself am a *do-something*. I am a hard working man, and in that character I wish to address myself to my fellow-citizens, the workingmen of the United States of America. Not the slave population of the South, for although they may have by nature the same rights which I wish to discuss, yet they are not at present in a situation to enjoy them, and as a practical man, I do not wish to indulge in impracticable theories or visionary speculations, but to offer advice which may, if you like it, be carried into action. This letter, therefore, is intended for the free, citizen workingmen of the republic; and I hope the principles it contains, in this shape or in some other, may meet the eyes and the approbation of a multitude of them. It is important, my friends, to determine the limits of our party, and I acknowledge all those to be workingmen who *do something for a living:* no one else has any claim to that honorable appellation. The pauper, who depends for his subsistence on the charity of the public, the idler, who saunters about till he has wasted the property which the accident of birth or the favor of fortune threw into his hands, and then relies on the bounty of friends, and if they cease to support him, must become a pauper, — is not a workingman, though he may have learned a trade, and may profess to belong to some mechanic occupation. These men's plans of life are adverse to our interests, and therefore they must not be admitted into our party. The swindler who by knavery accumulates wealth through fraud on his neighbor, though he may work harder than any of us, is not a genuine workingman, within our definition of the term, since he does nothing for which he deserves a living; but is rather a ravenous beast who makes honest men his natural prey, and whom, therefore, honest men ought to unite in hunting down. The gambler, though he follows an anxious and tedious course of life; one that requires an ingenuity, a skill, and a watchfulness that in any honest pursuit would be sufficient to accumulate a fortune, but in this, only keep him hovering on the borders of beggary, while his strength, mental, moral, and physical, is exhausted by its fatigues, and at last he sinks into that wreck of blasted hopes which exhibits so impressive a warning to the thoughtless and inexperienced, — is no workingman of ours, for he does nothing *for his living.* In all contracts of honorable trade there is intended to be a profit on both sides: but the gambler gains only what some one else loses; and besides, to say nothing of the morality of the transaction, we could prove, if it were worth our while to spend time upon it, that every transfer of property for which there is no equivalent rendered is a positive injury to society. The beggar, who does nothing for his living, but only entreats others to be kind enough to earn it for him, though he works hard indeed, is not one of our workingmen. The spendthrift, who squanders his inheritance in that senseless and useless profusion which neither gratifies the taste, increases the comforts, nor ministers to the necessities of those around him, could not possess for one hour the wealth he is wasting, if society did not protect him in the possession of it, and for this protection he renders society no equivalent: we shall not, therefore, set him down for a workingman. The vagabond demagogue, who hurls the brands of discord into our ranks, who wishes to make large confusion that he may ride the whirlwind of his own raising, who disheartens our friends, because his vices have left him friendless, and who disturbs our labors because he is too lazy to earn an honest living himself, — though he may have been brought up a mechanic and may still wish to be called so, lost all claim to membership in our party of workingmen when he abandoned the trade in which he could earn his living by being useful, and devoted himself to the task of making mischief among the well disposed part of society. The disorganizer, who disseminates wicked principles, who endeavors to fill us with hatred to our benefactors, who urges us to a chimerical warfare against the eternal laws of nature, the tendency of whose measures is to weaken and break in pieces that compact and frame of society to which we owe every thing, if he asks bread from society, deserves nothing but stones; and has, therefore, no more right to expect that we should call him *a workingman*, by whatever name he may compliment himself, than the rioters and incendiaries of the corrupt cities of the old world, when they pull down, burn, and delapidate houses, temples, and palaces, deserve to be called carpenters, masons, and architects. He labors to destroy, and not to create: his interests are all opposite to our interests: we can never, on any account, allow him to rank as a brother workingman. But all who do something for a living, who furnish to society some equivalent for the protection and the benefits which society affords them, in whatever field of industry they exert their strength or their talents, or employ their time or their capital, by whatever title the world may designate their labors, have common interests with one another, and belong without question to the party of genuine workingmen. He who meditates in his closet how he may instruct mankind, and he who puts together the types by whose impression instruction is communicated, — he who wanders over the face of the earth exploring nature's mysteries to discover and turn to advantage some unknown modification or property of matter, — he who in his laboratory examines nature and puts her to the torture till she reveals her secrets to him, as well as he who manufactures the raw material, or performs the chemical operation after the process has been perfected by the inventor and dictated to the artizan, — he who toils day and night to seize and apply the principle by which he can make the motion of wind or falling water, gravitation in some other form, or the expansive force of vapor do something which before the human hand had done, as well as he who constructs the machinery, and he who watches and regulates its movements, is undeniably a workingman. He who forms, fosters into life, and quickens with an effectual impulse, original and extensive plans of benevolence, he who defends his country's rights in the hard fought field of hot debate, who guides her counsels in the cabinet, who represents her interests and maintains her dignity abroad, or who on the bloody battle plain avenges and vindicates her insulted honor; is surely a workingman, as much as he who creates the articles of value which constitute the funds for the operations of the philanthropist, he who prints the speeches of the orator, he who navigates the ship that bears the ambassador, or shoulders the musket and fights under the banners of the patriot warrior. He also who superintends the employment of capital which diligence and prudence have enabled him to acquire, who sends its fertilizing streams through the community, while the profits of every judicious enterprise increase his power of doing good, though the envious and unreflecting may look with an evil eye on his success in his laudable industry, is really and truly a worthy hard workingman. Is there any quibble or play upon *words* in this? No. The truth lies deep in the nature of *things* and in the nature of *man*. He who does any thing whereby any part of his species is made wiser, better, healthier, or happier, belongs to our party and we will welcome him as a brother. It is not a community of name only, it is one of interest and feeling. All these have a common interest that honest industry should be respected and rewarded, — that services rendered to society should be *duly* estimated and *adequately* compensated: and, my friends, I believe in my soul that all our party who understand their own interests, act upon these principles. Some of the most indefatigable of the illustrious benefactors of mankind have not wrought with their hands, and yet have worked to some purpose. Cold and heartless and senseless must be that system which should class these as unproducing drones, as mere idle consumers. It is not so. Philosophy does not contradict common sense. John Howard and Stephen Girard were workingmen. Bacon and Newton, and Shakspeare and Milton, Franklin and Priestley and Davy, Fox and Mirabeau, Washington and Lafayette, were workingmen, as well as Fulton and Perkins, and West and Alston, and Chantrey and Canova: their great souls belong to our party, and we will not give them up. All honest men belong to one party, because they have all pure intentions and a common object — the greatest good of the greatest number. That party is ours, and every true workingman does something, and desires to do more, to advance the common cause. For this purpose he desires to understand his situation in the great and growing host of the active friends of humanity, to know what lies within his power, and where to apply his strength to most advantage. Our situation has its rights, its dangers, and its duties. We wish to understand our rights, that we may preserve and enjoy them; our dangers, that by being prepared to meet them we may avert them from us; our duties, that we may recognize and discharge them. It is with these ends in view that I have taken up the pen: should this essay totally fail to do justice to the subject, it may provoke some stronger hand to perform what I have attempted: should it contribute any thing towards the interests the writer wishes to serve, he hopes that abler aid will follow in the path he has opened. In either case his labor will not be thrown away. The present letter will treat of *our rights as workingmen.*

I have already laid down the proposition, that society has done much for us, and we ought to do something for society. It is equally true that we are under no obligation to labor gratuitously: if we do any thing, we have a fair claim to a return: whatever we possess, if we devote it to the service of society, entitles us to expect an equivalent. This is the foundation of all our rights. And to consider them a little in detail,

I. *We have a* RIGHT *to all our* FACULTIES *of whatever name or nature — bodily, mental, moral — and the products of their exercise.*

First. We have a right to our *bodily faculties,* and one cannot be expected to employ them for the service of another, without receiving full compensation for the benefit he confers. 1. Our *strength* is our own, and to be used for our own best advantage: no one is to dictate to us how or on what terms we are to lay it out. It is our capital, and we must make it do duty for us, for it is the ultimate source of all other wealth. Every man between the ages of twenty and sixty years, who owns a pair of healthy, well formed arms, may reckon them worth three hundred dollars per annum, that is to say, they represent at the legal rate of interest a capital of five thousand dollars. A man, therefore, who has a pair of strong arms, with good health and no other property, is just half as rich as one who has ten thousand dollars at interest, but is unable to work: if he employs his *strength* with *skill,* and does not waste his earnings, he will soon be a great deal richer. If there are four millions of pairs of working arms in these United States, they are worth to their owners the sum total of TWENTY THOUSAND MILLIONS of dollars. This is merely in a pecuniary point of view. God forbid that flesh and blood should be valued in dollars and cents! But we are only considering them now in the respects which they are available property. And the first item in the inventory of our wealth, is twenty thousand millions of dollars' worth of personal strength. We need not go any further. The workingmen's party is not only the most numerous, but also vastly the wealthiest party in the country. This wealth is all available, and we have a right to all the profit we can realize from it. If a man had five thousand dollars in specie, and should bury it in the ground, and let it stay there unproductive, when he could let it out at six per cent. on the best security, you would think him mad, even if he was working hard at a dollar a day all the while; but he would not be half so mad as that man who should allow his personal strength to remain unproductive while he had no money at interest; and no more mad than the man who should support his body in idleness because he had five thousand dollars estate and could contrive to live on the income it yielded him. Not only is he inexcusable who does not exercise his personal strength (having no other employment); but he who labors uselessly is guilty of the same folly that he would be, who should lend his whole capital without interest, and so strip himself of his resources. We have a right to the *most profitable, unremitted* productiveness of our whole capital of twenty thousand millions in personal strength; and every one of us has a right to his portion of it. If one man's portion of strength is greater than another's, he is under no obligation to be content with the same compensation. If he can accomplish proportionally more, he will receive proportionally more, and he has a right to turn to the best account he honestly can, his natural superiority. 2. Our *skill* is our own. If one man labors on blindly, doing merely what he is set to do, and not caring how he gets through it, provided it is done; he will work no better after forty years' practice than when he was a beginner. If another watches every step of the process he is employed in, and strives with assiduity to acquire the best mode of performing it, his observations will infallibly enable him to improve, his work will be done in a superior manner, and a greater amount finished in a given time. As he produces more, if he receives an equivalent for his production, which is what he has a right to expect, he will receive more. In some departments of industry, and particularly in the fine arts, and in what are called the liberal professions, care and diligence are not sufficient of themselves to give every one the high degree of skill requisite to great success: a peculiarly nice organization, an adaptation of the physical frame to the particular pursuit is essential. If, while men in general can make a certain number of shoes in a day, an individual can be found who can with ease make three times as many, of the same quality, in the same time, we may with propriety say, that man has a genius for shoemaking. This kind of genius, to a certain degree, not being rare, and not yielding products which give great delight beyond those of ordinary men, is not in great request. But let a man possess an ear capable of discriminating differences of sound imperceptible to the ordinary sense, and of appreciating their precise effect on a cultivated auditory, together with that complete control of every muscle of the fingers which gives the mind of Paganini such a mastery over the strings of his instrument, or with a sweetness, compass, and flexibility of voice competent to express perfectly all that he feels, and then, if he has any music in his soul, he may discourse it most eloquently. Or, let a man be gifted with strength of muscle without ungainliness of form, self-possession, ease and dignity of manner, which are qualities inherent in the physical constitution, force of lungs to utter the full swell, volume, and body of sound, and last not least, that indescribable power of face to which Garrick, Webster, and Kean have owed half their sway over men's passions, and then he can send home to men's hearts the feeling which thrills in his own breast, — then when his soul glows through his eyes, and conviction flashes from every speaking feature, the vivid truth with which he personifies the creations of the poet's fancy will enchant and electrify the breathless thousands who hang upon his accents; or in the fury of debate, his strong thoughts condensed in mighty words and thundered as from a battery, will bear down all before him. These talents, and I speak merely of the physical structure, belong only to few. In their highest degree, and combined with the highest degree of intellectual genius of the kind best fitted to make the most advantageous application of them, they are exceedingly rare, and as in some cases they render the most important services, and in others furnish the choicest gratifications and the most exquisite delights, their compensation is deservedly estimated at high rates. The general principle, however, applies to ordinary occupations as well as to extraordinary developments of genius. Superior skill does better service, and therefore has a right to higher compensation, than workmanship of the average style; and this advantage it is unreasonable to expect any one possessing it to neglect to profit by. His skill, as well as his strength, is part of his stock in trade; he has a right to turn it to the best account; and one might as well ask him to lend half his capital without interest, or to work every other day without pay, as to leave his degree of skill unestimated in bargaining for the price of his services.

Second. We have a right to our *Mental Faculties.* They also are a part of our means of subsistence, and we cannot be expected to squander them. We carry them into the fair field of free competition, and we cannot be expected to contract to employ them below the highest market price. The mental render oftentimes more valuable services than the bodily faculties, and value received must always be paid for. You have a pain in your right shoulder: your nurse tells you it is the rheumatism, and torments the part with blisters and cataplasms. It is all in vain: the pain not only increases, but your appetite leaves you, and you are getting sick fast. You send for a physician: his keen sagacity detects at once the source of the distress: he tells you that your liver is diseased, and that you must attack the enemy in his head-quarters: he writes the necessary directions, which you follow, and your life is saved, and your health, happiness, and usefulness are restored. The benefit he has done you is above all price, and I will not insult you so much as to believe you will propose for the amount of his fee the sum he might have earned by manual labor in the few minutes he spent in feeling your pulse, inspecting your tongue, asking you two or three questions, and writing the prescription. His time, at day's wages, is worth to him two or three cents: the benefit he has done you, in a pecuniary point of view merely, may be worth thousands of dollars. His fee must be fixed somewhere between these two extremes, according to the proportion between the supply of, and the demand for, his particular species of talent. You call upon a lawyer for advice: you state your case, and he answers, do *thus*, and you will secure your rights: at present you are taking the wrong course. It is very hard forsooth that he should charge five dollars for two minutes' conversation, when so many people are willing to talk without pay, and can get nobody to listen to them! But if by following his advice you have saved fifty dollars which you would otherwise have lost, is it not reasonable he should share in the profit he has enabled you to gain? His knowledge and his wit are the capital he trades on, and his clients have no right to complain if he does not give them away. You go to Doughty or to Fisher for one of their magnificent landscapes; his art embodies for you one of the loveliest conceptions of ideal beauty; the divine creation of his fancy is sent home to decorate your parlor, to beguile your leisure moments, and to charm your guests. Would you then say to the artist, this has occupied you but a week, and is therefore worth six dollars, — that will be a high price, for my neighbor the sign-painter would have daubed me over the same surface of canvas in half a day, with brighter colors! The man who could entertain such an idea would hardly deserve to have eyes, since it is clear that he does not know how to enjoy the use of them. Mental superiority without doubt is a legitimate source of profit to its possessor. He has a perfect right to make the most of it, and would be unpardonable if he should neglect to avail himself of the bounty of Providence.

Some ideas which might properly fall under this head have been anticipated in speaking of bodily skill. Indeed the two points run into each other so naturally, that it is impossible to keep them distinct; and I would observe here once for all, that the division of my subject is not philosophically accurate. It is not such as I should have adopted if I had undertaken to write a treatise on political economy for scientific men: but it is a convenient division for my readers, and that is all that is necessary to my present purpose. I go on to remark, that we have a right — 1. to our *Ingenuity*. If two overseers have the supervision of two factories of the same kind, and belonging to the same owners, — if one of them takes excellent care that every thing shall go on regularly, and according to the most approved methods that have been taught him, but never deviates from the practice as established when he entered the factory: while the other does all this, and besides suffers not a month to pass without making some alteration in the machinery or improvement in the processes, which enables him to turn out the work better or cheaper, and increases the profits of the owners several hundred dollars a year, it is clear not only that they can afford to pay him a higher salary, but that he has a right to demand it, a right which their interest will make them respect, because if they do not he will carry his ingenuity to a better market. We have a right also — 2. To our *Application*. If we devote our whole strength, talents, and time to the business we are engaged in, and our whole thoughts to the interest of our employer, we shall accomplish much more than if we go about it in a careless, dilatory manner, and with intermitted exertion. If it is generally known that it is our constant practice to do whatever our hands find to do with all our might, our labor will be sought after, and we shall have no difficulty in obtaining that increased compensation which we have a right to expect, whatever be our trade or profession.

Third. We have a right to our *Moral Faculties*. Whatever advantage we possess over others by the superiority of our moral endowments, we have a right, and we may confidently calculate, to enjoy corresponding advantages in our intercourse and in all our contracts with our fellow men. 1. As to *Honesty*. If, my friend, by strict adherence under all circumstances to the rule of right, you have established a character for undeviating integrity, you will be trusted in offices and employed about transactions which would not be committed to the hands of those men who have not been tried, or who, having been tried, have been found wanting. As those occasions where honesty is an essential requisite in an agent are often of great importance, you will have a right to expect that the responsibility which devolves upon you shall be paid for as well as the labor you actually perform, and those who repose confidence in you will be quite as ready to acknowledge this claim as the other. 2. As to *honor*. We may adhere to the strict principles of justice, and yet be so strenuous in exacting all that justice will give us, and so obstinate in refusing to do any thing more in performance of our obligations than severe justice requires of us, as to make it somewhat unpleasant to deal with us. If we go further than simple honesty, and add thereto honor, in the most liberal acceptation of the word, those who transact business with us will not consider all the precautions to be necessary as to the exact terms of their contract, which they must otherwise take: neither will they feel so much apprehension for the consequences of any inevitable departure from the letter of the contract. We shall of course, other things being equal, find them more disposed to deal with us, and on more favorable terms, — so that the right which honor has to be estimated in reckoning the worth of our services is not likely to be disregarded.

Fourth. We have a right to the products of the exercise of all our faculties. Not only may we rightfully receive all the earnings of our bodily, mental, and moral faculties, at the highest price we can fairly obtain for their use, but these earnings are ours to dispose of as we will, so long as we do not thereby invade the rights of any other person. If my labor yields me a net income of three hundred dollars a year, I have a right to expend this whole sum in innocent gratifications, such as I may prefer. I say this, according to the common understanding, for I am not going to discuss any nice question of morals, — how far it is an imperative duty to reserve something for future contingencies. If I spend my whole income, as I began the first year, so I shall begin the second, so the third, and every succeeding year, till sickness, old age, or death overtake me. I have a right so to do: it is my own concern: and no one else has any right to interfere. If on the other hand I choose to deny myself many present indulgences, innocent in themselves, for the sake of greater security against future distress, or to enjoy the same indulgences in greater ease and abundance by and by, I have at least an equal right so to do: this also is my own concern, and no one can complain when I reap the benefit of my forecast. Suppose of my three hundred dollars I spend one hundred only, and lay up the other two: may I not justly derive what advantage I can from this reserved capital? It is mine, — it is the labor of my hands or my brain, in another shape, and I have a right either to consume and enjoy it now, or to retain it for future use and employ it as profitably as I can. I may eat, drink, and dissipate it; I may devote it to display or to comfort; I may put it out at interest; I may speculate with it; I may buy more stock to work for myself to better advantage, or I may hire others to work for me and realize as much profit as I can, without fraud upon them, out of the profits of their labor. All these positions will be readily admitted, except, perhaps, the last. It may be said, for envy sometimes gives currency and a plausible form to very stupid prejudices, what right has one man to grow rich by the labor of another? The answer is a plain and conclusive one, and we ought all to understand it; because we do not wish to be tyrannized over, nor, even when we have an opportunity to tyrannize over others, neither do we wish to be imposed upon by those who have an interest in misrepresenting our rights. It is this: he who employs the labor of others profitably, grows rich from the results of his own labor, which he had a perfect right to consume at once as soon as they took the shape of available funds, or to hold and employ in the best way. By hiring another he not only does him no injury, but a benefit, since he enables him to use his faculties; and also benefits other workingmen in the same class by increasing the demand for labor, and thereby helping to raise the rate of wages. Suppose ten young men, without capital, set out in life together. They have learned a good trade, and therefore earn the wages both of strength and skill, say five hundred dollars a year, working as journeymen. Suppose A lives on a hundred a year, and saves four hundred: B spends three hundred a year, and saves two hundred: the other eight spend all they receive: the master workman who employs them clears a hundred dollars a year from the proceeds of the labor of each of his journeymen. At the end of their first year A has four hundred dollars, B two hundred, the other eight nothing. A commences business for himself, his capital being sufficient to furnish him stock and tools. He earns the same wages as before, and also clears the profit his employer made on his production: this year therefore he makes six hundred, of which he saves five hundred dollars. B saves two hundred as before; the rest nothing. At the end of the second year they stand thus: A nine hundred, B four hundred; the other eight nothing. Next year, A hires a hand to assist him, and at the same rate makes seven hundred dollars, — saves six hundred. B sets up for himself; makes six hundred, saves three hundred dollars. At the end of the third year their capital stands, A fifteen hundred, B seven hundred, other eight nothing. Next year A hires another hand, and at the end of the fourth year they stand, A $2200, B $1000. Now B can hire a hand and A hires four; and at the end of the fifth year their capitals will be, A $3100, B $1400. And so, if each takes another hand as often as he adds four hundred dollars to his capital, at the end of the sixth year, A $4200, B $1900. End of seventh year, A $5600, B $2500. Eighth year, A $7400, B $3300. Ninth year, A $9600, B 4000. Tenth year, A $12,400, B $5200. Every year, as the accumulation goes on, the disparity between rigid economy and moderate prudence will be greater and greater. It would be very unreasonable to expect that these two fortunate economists would restrict their expenses to precisely the same amount, after they find themselves possessed of these handsome little fortunes, which we allowed them on their entrance into active life empty-handed; but the greater facility and advantage with which their business operations will go on, after they trade on a convenient capital, will quite counterbalance the gradual increase of their expenses, so that, on the whole, our calculation may fairly be continued on the same principles that have governed us thus far. At the end of the fifteenth year then, A will have $40,900, and B $17,300. At the end of the twentieth year, A will have a capital of $127,700, and B of $53,800. It is needless to carry the comparison further. At the age of forty-one years, if they choose so to do, these two workingmen may retire from labor with a splendid opulence, live according to their liking on a part of their income, and perceive their fortune growing as they advance in years from the addition of the remainder. If they choose to continue their career of industry and frugality for twenty years more, they may amass, A $4,000,000, or even, (for if we include the fractions we have all along thrown out of our reckoning it will make that difference,) $5,000,000, and B somewhere between $1,750,000 and $2,000,000, according as we include or reject the small fractional excesses each year. This immense difference between the two totals arises from the small difference in their savings of $200 annually. At the end of the twenty or the forty years their eight companions in labor have equally nothing, and those of them who survive, if sickness has overtaken them, must be looked for in the poor-house. Now by employing capital to such vast amount profitably to themselves, both A and B have done a benefit to society, for they have produced something which society wanted, at a fair price, or else society would not have bought it and paid them for it. They have benefited the whole laboring class, for, by taking the labor of several thousand men out of the market, they have left the demand for labor bearing a greater proportion to the supply of it, than would have been the case if they had saved nothing and hired nobody, and consequently they have raised the rate of wages. They have benefited those whom they employed; for they have given permanent occupation, at wages higher than the market price would otherwise have been, to several thousand men who might otherwise have been part of their time at least without employment. All that they have belongs to them rightfully; for they have not received a dollar for which they did not return an equivalent, or, to speak more accurately, what was worth more than a dollar to the person with whom they made the exchange. To whom then have they done any conceivable wrong or injury? To no one. On the contrary they have dispensed blessings with a liberal hand, and, while they have been reaping this harvest of wealth and plenty themselves, have scattered wealth and plenty abundantly around them. Let it be said, "No one has a right to hoard: they should have circulated their money." This is precisely what they have done. Every dollar which they saved they have caused to circulate many times over, always stimulating new production; whereas had they squandered it as soon as earned, they could have circulated it but once. Where the spendthrift "circulates" hundreds of dollars, the miser, if he takes the most effectual road to acquisition, "circulates" hundreds of thousands. Grant, if you insist on it, that he can take no pleasure in his accumulating treasures:* he will deny it; but suppose it to be so, the worst that you can then affirm of him is, that he has made himself a victim for the general good of the community. The cases I have supposed are however extreme cases. Few will be disposed to make themselves victims to increase the amount of business done in the world, because it is a kind of self-devotion that meets with but few to applaud it. Seldom, too, will it happen that a branch of business admitting of almost indefinite enlargement, an uninterrupted run of good fortune in that business, an opportunity to begin at an early age, and a long life without intervals of sickness will combine to favor a man possessing the self-denial and perseverance with the talents for managing large establishments necessary to realize the suppositions I have made. So far as these requisites concur, in the same proportion these results will follow; and where the appropriate character is found, in a certain degree they almost inevitably follow; so much so indeed that it has well been said, "the way to wealth is as plain as the road to market," and the wages of well-earned capital may not unfitly be termed the wages of perseverance and self-denial. Though few may enjoy the opportunities of Peel the manufacturer of Manchester, or Gerard the merchant of Philadelphia, the lesson of their success need not be lost on any who aspire to control large masses of property, and direct the industry of multitudes in the most profitable channels. The examination I have gone through, though plain enough for the capacities of children, shows conclusively that we have a right not only to the direct wages of all our faculties, but also to the best use we can make of those wages; and a little reflection will show us that we need not be ashamed to exercise that right. There is nothing dishonorable in foresight and prudence. There is nothing honorable, magnanimous, or generous in preparing ourselves to live miserably, and to abandon our families to beggary and wretchedness when we leave them. No! let us make the best use of all our faculties and all their products always — for,

II. *We have a perfect* RIGHT *to our* TIME.

The manner in which we divide our time is, in other words, the portions in which we dispose of our faculties; and as we have a right to these last, we have a right to dispose of their services in longer or shorter portions, to give them away, or to keep them to ourselves. Our time, then, is our own, to devote to the service of others, in such portions as we please, with or without an equivalent, or directly to our own convenience, comfort, or improvement. We have a right to make the best bargain for it with those who employ us. We have a right to make the best bargain for it with those whom we employ. If we ask more than the highest market price for it, when we have it to sell, we must not be surprised if nobody is willing to buy. If we offer less than the lowest market price for it, when we wish to procure it, we must not be surprised if no one will furnish it to us. No one has any authority to dictate the price to the buyer or the seller, it must be settled by *agreement between them;* and the competition between the buyers on the one hand and the sellers on the other will induce them to fix it at a point where both parties can profit by the bargain. We have a right to sell our time for ten hours every day, for twelve, for fifteen, for more or for less, to anybody that will buy it. But if we offer to contract to labor ten hours a day and nobody wants less than twelve, we must not wonder that nobody accepts our offer. We have carried into the market a commodity that is not saleable, and we cannot force people to buy it. Still less can we complain if those who are willing to buy ten hours, refuse to give us the price of twelve. An hour's labor is a marketable article, bearing certain prices according to quality, and we might as well find fault with the broker, because when we carry him ten doubloons we cannot obtain for them the value of twelve. If we have no other estate than our faculties and our time, we must be willing to sell time enough to support our families, and to be laying by something against a wet day; for he who does not provide for his household hath denied the faith of all honest workingmen, and is not only as bad as, but, as St. Paul says, a good deal worse, than an infidel. What time is left after this provision, you have a right to devote either to increase your earnings, to present enjoyment, or to improve your education. And now I anticipate a difficulty which is arising in the minds of many of my friends. How can we improve our education, you say, when we have no time left, after providing for our families? You are mistaken, my friends. Benjamin Franklin found time enough. Be frugal of your time, and you have enough for all uses. After deducting the time necessary for sleep, for meals, and recreation, you may have sixteen hours left to dispose of. You may labor at your trade the whole of this time, but will your constitution hold out at this rate many years? Can you do as much in every hour of the sixteen, as you could in every hour of twelve hours a day? And above all, could you not, *in one year*, laboring twelve hours, and devoting four hours a day to studying the principles and rules of your trade, inquiring into the most approved modes of practice, and informing yourself of other matters connected with your pursuits, so improve your judgment and skill, that twelve hours of your labor will be worth more, and so yield you more than sixteen hours now? These questions deserve your serious consideration, for you are to decide them for yourself, and the character of your future life will very much depend on the decision. If I may not venture to advise how much time you should spare for these purposes, I will at least suggest the wisdom of appropriating enough to make perceptible progress in your improvement, whether it be a half hour, an hour, two hours, or four. If your circumstances are such that you think you can spare but half an hour a day, so much the more important is it that you make a proper choice of your books, and other means of improvement. Half an hour's reading of the best of books will do you more good than twelve hours' reading of books taken at random. Get some intelligent friend to assist you in the selection; adhere steadily to your plan whatever it be; and even if you allot but half an hour on working days to study, yet if this is well managed, and *if you make a good use of your Sundays*, you will be astonished at the end of the year when you look back and measure your intellectual and moral advancement. It is the prerogative of man to be continually rising higher and higher in the scale of being; and you have a right to share in the perfectibility which is the distinguishing characteristic of your species. Set apart to yourself therefore so much of your time that you may every day grow wiser and better. Let the reservation though small be sacred, and you will not only accomplish the objects directly aimed at, to a greater extent than you would have supposed possible, but you will be none the poorer for it at the end of the year, and after a few years you will find yourself manifold richer. As time is money, you have a right to turn every moment to account. No one can ask you to give it away; it is improvident folly to throw it away. If it is all you have now, make the most of it, and in a very few years you will not want for capital in any other shape you may prefer.

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* See the character of "Paul" in Miss Martineau's beautiful tale of the Hill and the Valley — No. 2 of her "Illustrations of Political Economy," — little books of intrinsic excellence. She has given intense interest to a very dry subject. These stories are as instructive as they are fascinating. Their sterling merit should recommend them to a place in every library.

III. *We have a* RIGHT *to* WAGES, *at the highest rate, and they should be steady and remunerating.*

First. We have a right to wages, at the *highest* rate, for our strength, talents, fidelity, capital, and time. This I have shown at length, in speaking of the right we have to use our own faculties, and I shall only remark further, in this place, that all combinations forcibly *to raise or to lower* the rate of the wages accruing under either of these denominations, are direct and inexcusable infringements of this right. This may at first sight seem paradoxical, but upon a closer inspection it will cease to appear so, since it will be evident that a forcible raising of one kind of wages is in every instance a forcible depression of some other kind. Where several men coöperate in different ways to produce an article of value, the price of this article will be fixed by the proportion between the supply and the demand in the market. This price is the sum that is to be distributed among the producers, and the question is in what proportions shall it be divided? It is manifest that if one man's share is increased, the funds out of which the others are to take their shares is diminished, and if this is done forcibly, it is done wrongfully, for their rights are invaded. If the strength which performs the manual labor takes more than its share of wages, the talents which direct the operation, the capital which furnishes the material must get less than theirs. If talents claim more than their due allowance, the wages of labor or of capital must be stinted. If capital arrogates more than a just compensation, both labor and talents must feel the deficiency. I do not mean that any such derangement of the just proportion between the different kinds of wages can be permanent. It certainly cannot, because it will work its own cure. The party whose rights are invaded will withdraw from the business, and then those that remain will find it impossible to go on. If the master screws down the rate of wages for his journeymen below the average price of labor in similar trades, they will abandon his service on the first opportunity they can get to enter a better. Of course, he must raise his prices or stop his works. If talents are not paid in one pursuit, they will withdraw from it, and attempt another. Business which was lucrative before their withdrawal will become a losing concern after it, and must soon run to a catastrophe and conclusion. Of course, both the capitalist and the laborer will be glad to call them back again and compensate their services at nearer their true value. If a combination has raised the wages of labor and talent so high as to reduce the wages of capital below the average rate of interest, the capitalist must wind up the concern and look out for a more profitable investment. Of course the operatives, both manual and talented, are thrown out of employment, and left without it until they discover their mistake, and return to the just price of their services. It makes no difference to the argument, whether the original undertaker winds up the concern at once, or whether he sells out, at a loss, to a second owner, who sells again at a loss, to a third, and so on. The result is the same; if the operatives adhere to their combination, the concern must be wound up. In the one case this happens suddenly; in the other through several intermediate stages of decay. Not only therefore has every class of producers a right to the highest wages it can earn, but it is important to each class that the right of every other should be equally respected with its own.

Second. We have a right to wages that shall be *steady* and not precarious. Those who are willing to work always, deserve to find constant employment, — steady in *duration*, — with compensation steady in *amount*. We shall find this an essential condition to our prosperity. If we suffer intervals of labor to be interrupted by intervals of idleness, we not only lose the time which is unused and which in fact is so much money, but we are in danger of forming habits detrimental to our future industry. Besides, it is not in our nature to do nothing, and when beneficial activity is suspended, harmful activity will begin. When we are not earning we shall be spending, and weeks of unproductive time will dissipate the accumulations of months of the hardest and best directed diligence. When we have time to kill, it dies hard, and we are apt to spend all our ammunition before we think of counting the shot left in the locker. Many a man has gone to work with zeal and prudence and fair prospects; but an unlucky *interval* has come over him, and made an end of his little beginnings of capital. Again he has commenced with a store of good resolutions, and in an evil hour, being left with time on his hands, has miscarried again. If wages vary often in their *amount*, the consequences will be the same in kind though less fatal in degree. We shall be apt to reckon our expenses and base all our other calculations upon the expectation of larger receipts than we shall ever realize. Besides, no sooner are our plans formed, than a change unsettles them, so that we can never persevere in any one course: and as idleness is the original sin and the fruitful mother of all iniquities and backslidings, so perseverance, to a man who means to rise in the world, is the golden virtue, and the blessed parent of all excellence and hope. Better then is it on all accounts, to enjoy the certainty of even moderate wages at a rate not liable to fluctuation, than to venture in the lottery of an unstable business for high wages, liable at any moment to fall, and precarious also in duration. Our right then to wages steady and permanent is not like the themes of demagogues, something to be declaimed about in public, and jested about in private, but a right to be prized, defended, and improved; and all laws intended to force capital, or talent, or labor, out of one pursuit into another, thereby producing ruinous fluctuations; and all combinations to raise violently one kind of wages, thereby producing a corresponding diminution in other kinds, are highhanded violations of this our undeniable right.

Third. We have a right to *remunerating* wages. Excuse me if I sometimes repeat ideas: my division of the subject is not a philosophical, but a popular one. We who produce every thing have a right to secure all that we honestly can. Every one who concurs in production owns a portion of the product; and should not give up his *lien* — his hold upon it — till he has received an equivalent. This rule of itself would be sufficient to govern the distribution of wealth, though many cases under it would be extremely complicated, especially the cases of *immaterial* products, such as health, contentment, happiness, intelligence, virtue. Those who contribute to produce these, can seldom be fully compensated by money, because the nature of their services is such that in some respects they cannot be measured by any pecuniary standard, but they have intellectual and moral compensations corresponding to the nature of the services, and which make up for this deficiency. Where the service can be measured in dollars and cents, it is easy to estimate the just compensation. The value of your work to your employer, being careful not to overlook the claims of any of your fellow joint producers, is the amount of compensation you have a right to expect. Either there is something radically wrong in the constitution of society, or this compensation will be sufficient to enable *every* producer, with proper care and pains, to improve his situation in life: for those who create all wealth, have certainly a right to a share of it, — a right to be forfeited only through their own misconduct. In those countries where the whole system of things is artificial, where injudicious and mischievous laws force enterprise and industry from the most productive occupations to those which are less so, the producers are obliged to maintain great standing armies to secure their own slavery, and a most complicated, unnatural, and costly machinery of government to prevent the will of the working classes from being effectually promulgated. There, from the weight of taxes necessary to sustain the fabric of magnificent misery, from the checks and trammels which their innumerable regulations impose upon the exertion of the faculties, production of every kind is first impeded, and then imperfectly rewarded. Every contributor to production feels the pressure. The interest of capital is reduced to the lowest rate. Though extraordinary talent, in a few fortunate instances, may meet with extraordinary success, yet talent in general is poorly paid. Labor, the most important interest of all, because it concerns the greatest number, is poorest paid of all. In the general struggle, while every class of coöperating producers strives to keep its own wages as nearly up to the standard of remuneration as possible, and to throw the inevitable burden from their own shoulders upon others, those will suffer most who are least able to defend themselves, and in the countries of which I speak, the laborers, from their general ignorance and improvidence, have hitherto composed this class. Tens of thousands work hard and long for a pittance just sufficient to keep soul and body together; and a scanty harvest, a glut of the market, or any other derangement of their artificial system consigns them in countless multitudes to pauperism or beggary, perhaps to starvation. The laws which produced, and which perpetuate this state of things are infringements of their natural rights, and, so soon as education shall give them *the power of knowledge*, they will cast off the shackles which have so long restricted their energies. Here, however, and let us be grateful for the blessing, the rights of all classes of producers stand on an equal footing, and he that begins in one, may easily, if nature has fitted him for it, transfer his services to either of the others. The wages of labor are high enough among us to allow the laborer time for the acquisition of skill and information. The wages of labor and skill when he earns both, will enable him to accumulate capital with considerable rapidity; and the wages of labor, skill, and capital combined, being *all* at high rates among us, will soon, if he has a tolerable degree of economy and prudence, place him in an independent affluence, and leave him at liberty to choose his subsequent pursuits according to his fancy. Not only, therefore, have we a right to remunerating wages, but it is a right of which we enjoy at present the full and undisturbed possession.

IV. *We have a right to that education which will best qualify us to discharge all our duties to ourselves and to society.* The full consideration of this subject I defer to a future letter, and at present I will only offer a few remarks on the definition, importance, source, and means of such an education.

First. The *definition.* By education I mean not merely the instruction or the training which a child receives while at school, or while under the immediate care of its parents, but the combined effect of all the circumstances to whose influence he is subjected through life. All that goes to form the man, to develop or to modify his original character, to work any change whatever in the natural, innate disposition and force of his faculties and temper, makes part of his education. The modification of the character by the circumstances which act on it is of three sorts — intellectual, moral, and physical. 1. The *intellectual* character is modified not only by the greater or less amount of information received, but by the discipline which the mind itself undergoes, and the habits of thought and action it thereby acquires. So great is the effect of discipline, that opposite courses of management will make, of the same materials, dolts, but little removed from idiocy, or poets, orators, statesmen, and philosophers. Society has the power greatly to increase the favorable, and to diminish the unfavorable influences which operate on the intellect of its members, and those who labor for society have a right to expect that this power will be exerted to the utmost in behalf of themselves and their families. 2. The *moral* character is modified by the tastes and habits of feeling, imbibed from the situation in which one is placed, contracted from the examples set before him, countenanced by public opinion about him, or deliberately adopted and fostered from a just conviction of his own true interests. So great is the effect of moral culture, that on this it mainly depends whether your sons shall be tenants of an alms-house or a prison, and candidates for the gallows, or be ornaments of the walks of life in which they move, fortunate and happy themselves, and benefactors and favorites of their associates. Every man who does his duty to the community has a right to demand that so far as society can prevent it, no deleterious influence shall be suffered to approach him or those dependent on him, that virtue shall be countenanced and had in honor, vice discouraged and despised; in other words, that he and his family shall receive from society the best possible moral education. 3. The *physical* character is modified by the care we take of our health, and the degree and variety of exercise we give our limbs and organs. The effect of training in this respect is wonderful, is indeed almost inconceivable. Compare the movements of a bloated and tottering victim of debauchery with those of an accomplished rider at the circus, ballancer, or rope-dancer, — a dray-horse and a racer are not so unlike, — a lap-dog and a hound are scarcely more dissimilar, — you would hardly believe they belonged to the same species. We have a right, every one of us, to that degree of physical education which will most effectually aid us in the grand object, — the pursuit of happiness.

Second. The *importance* of education is apparent from the remarks just made explanatory of the definition. It cannot be overrated, for it is essential. I do not say the degree, but the excellence of a man's education determines his capacity for happiness and for usefulness. Man without education is the Hottentot or the New Hollander. Educate him, and you produce the Demosthenes, the Chatham, the Plato, the Channing, the Scott, the Napoleon, the Thorwaldsen, beings capable of conceiving in their own bosoms and of exciting in others all that can ennoble, dignify, delight, persuade, or convince their fellow-creatures. These master spirits have undoubtedly native energies superior to the ordinary level of intellect, but it is education that decides whether they shall be exerted for good or for evil, that can change the ferocity of the savage into the benevolent zeal of the philanthropist, that characterizes mental power as the talent of an angel or the capacity of a fiend. Education, therefore, since it is to make a man whatever he is through time and through eternity, cannot engross too large a share of the public attention.

Third. The *source* from whence must proceed the means of defraying the expense of that education to which all industrious citizens have an equal right, must be the public treasury. The main object of government is the protection of persons and property, and this object will be more effectually secured by the general education of the people, than by any penal code, however rigidly enforced. Again, the people cannot be intelligent and moral unless they are educated, and free institutions cannot sustain themselves, except where the people are intelligent and moral: a system of free education, therefore, is an indispensable auxiliary to free intitutions. The common good requires that we should all be educated; some of us have not the means to educate ourselves; we have a right therefore to be educated at the expense of the public. Perhaps the ingenuity of man cannot devise a surer and safer way of doing this, than that of empowering the little democratic corporations — the towns — to tax themselves to support free schools; not that these schools are at present all that we ought to make them, — but of that by and by, when I come to speak of our duties. So much education, as for the general purposes of society, it is essential that every one of its members should possess, we have each of us a right to be furnished with the means of obtaining, at the public expense. And what are those means?

Fourth. The *means* of obtaining an education are exceedingly various. People talk about a self-educated man as if he were a miracle, but what man that is educated at all is not self-educated? It is only our own application that can make any means effectual, and persevering application will make almost any means answer a good end. A man does not imbibe learning by passing through a college, just as a sponge sucks up the fluid into which you dip it. If you were carried into a gymnasium and laid on a cushion an hour every day, that would not make you a formidable wrestler. The faculties, whether of the body or mind, are strengthened by exercise, and what we want can be no more than this, instruction in the first rudiments of knowledge, opportunities to use these rudiments in acquiring further information, occasions to excite us to the exercise of our faculties, and materials on which to employ them. These means the public must furnish; the work we must do for ourselves. The rudiments of knowledge, and some facility in carrying on investigations by means of them, we may learn at *school;* and if we could be taught there the habit of inquiry and research, the school would have done as much as can be expected from it. The *Lyceum* will afford opportunities of strengthening our faculties by easy and frequent trials of their power in friendly contests, and to acquire general views and connected details respecting the subjects lectured on, and to form habits of systematical examination and methodical arrangement, if we are willing to take our turn in the useful, no less than laborious task of preparing lectures. The Lyceum has strong claims to be supported at the common expense, but as it is not wise to call in the aid of the government to do what can be done better, and cheaper, and a great deal more to our liking without it, we support it by the contributions of those who voluntarily associate themselves with it; an equitable mode, and one which gives each member a direct interest in the management of the institution, different from that he would feel if it were supported by any expedient of indirect taxation. As you will find it necessary to employ some *professional men*, encourage those to reside among you who being well educated and public spirited, will exert a good influence, and be likely to raise the standard of education among you. We have a perfect right to distribute our patronage where it will be most for our advantage to bestow it; and if by so doing we can secure voluntary services in addition to those we bargain for, we have a right, and we do wisely to take that circumstance into consideration. We have a right to participate also in the unexampled facilities for gaining information which the unprecedented productiveness of the press at the present day offers to our improvement. The cheapest plan to avail ourselves of this harvest of knowledge is by uniting to establish social *libraries*: and to derive the greatest possible benefit from them, we must be careful to intrust the selection of books to the most judicious hands. It is not a question whether a small sum of money shall be expended profitably or otherwise, but whether that part of our time which we set apart for our own improvement shall be so spent as to advance us in wisdom and virtue, or to carry us backward further from perfection. Some few *books* it will be convenient to have always by us. In choosing these we should be doubly careful. For not only is one good volume worth more than all bad ones, but worth much more than a thousand which are merely indifferent, and which, doing no good, do little other injury than consuming much valuable time, which we have a right to use as is most for our interest, but which it would be very wrong to throw away. *Newspapers*, too, afford a cheap and easy medium of information, of the present state of the world, and the events that are taking place in foreign nations. They should not be neglected: but it will not do to place too much reliance on their highly colored statements of matters in controversy between different parties, or to devote oneself too exclusively to this kind of reading: in conjunction with others it may be of very great service. The *company* which you keep has a very important influence on your character. Evil communications will corrupt: the society of virtue will purify. By making a proper choice of your companions, your moments of relaxation, and your very amusements, will conduce more to your moral and intellectual advancement than the hardest study if ill directed.

Look well to this point, for it concerns the health of your body and soul, as well as your estate and reputation. The formation of *habits* is a critical process of education, the more so, as when once confirmed they can scarcely be eradicated. Be careful, then, what habits you form, and resist wrong tendencies in their beginnings, — before they harden into irresistible obduracy and mould forever the whole cast of your moral character. The sapling may be trained to grow as you would have it, but the gnarled and knotted oak, though the lightning of heaven may tear and rend it, cannot be bent or swayed by human force. Especially be careful of the habits of your children. A colt may be broken into perfect docility by a short discipline ; but for a vicious horse, few will take the trouble : he is doomed to bear the spurs and goads, scourgings and buffetings which irritate rather than mend his savage temper, and to wage an unavailing war against fate and nature. Look to this in season : a little contrivance will often prevent a great deal of trouble : a little forecast may save you much untimely repentance and unprofitable sorrow.

The choice of an *employment* for yourself, and more particularly for your children, is not a question to be lightly determined. That in which your talents can be turned to best account, and in which you will have most opportunities for improving them, is most eligible. If you are fortunate enough to select such a one in the outset, you may easily in a few years secure the means of gratifying all your reasonable desires ; while if chance has thrown you into a situation for which your peculiar talents are not suited, you may labor harder and longer, and yet end at last where you began. The choice of a *residence* also is a matter by no means indifferent. Access to good schools, good lyceums, the beneficial influence of well educated and high-minded men in or out of the learned professions, well selected libraries, public and private, an easy supply of the best new books, good newspapers, worthy companions, circumstances and examples favoring the formation of good habits, profitable and constant employment in your calling, with room to enlarge your dealings or business as your means will allow, — all these advantages you may find in one place, it may be difficult or impossible to obtain them in another, and you may be subjected to influences of a contrary nature in a third. Recollect that a man is born a Pagan in Bengal, a Mussulman in Turkey, a Catholic in Spain, a Protestant in Massachusetts, a savage in the deserts of the Rocky Mountains, a barbarian in Central Africa, an heir of civilization and its blessings in France, England, and America, — recollect that however exclusive you may be in the choice of associates for yourself or your children, still every neighborhood has its appropriate cast of character, and you will infallibly be somewhat tinged with the moral complexion of those that surround you, — recollect all this, and that you are responsible not only for your own interests, but for those of all who do or may depend upon you, and you will recognize the inestimable importance of a correct decision of the question, Where shall I fix my residence?

These, among the innumerable particulars which affect education, I have enumerated barely, and not enlarged upon, because of the too great length to which this letter has already extended. We have a right to the best use we can make of all these auxiliaries, as well as to all others which have not been mentioned. We have a right to have the career kept fairly open to talent, and to be brought equally and together up to the starting point at the public expense; after that we must shift for ourselves. If we separate on the road, because Providence has favored some more than others, we are not to find fault with Providence; if because some employ their talents and others abuse theirs, we may find fault with ourselves, but not with those who have done their duty; if because wrong is sometimes prosperous and right sometimes unfortunate, let us recollect that for any long period of time this happens very seldom indeed, and when it does happen, that honor undeserved yields no satisfaction, and ill-gotten wealth brings with it no happiness. Having settled that *we have a right to the best education*, the next point is to improve that right, — *to set to work in earnest and get it.*

V. *We have a right to all the* RESPECT *which we deserve, and to no more.* Let me first explain what I mean by the respect to which we are entitled, and then consider what are the causes by which it is produced, its value, the kinds of respect we may claim, and the effects we may expect to result from it.

First. The *definition.* The opinion which is entertained of a man's character by others, and the manner in which this opinion is indicated in their intercourse with him, we call respect felt for him, and manifested towards him, provided the opinion is a favorable one, and the indications complimentary. If our behavior in the several relations of life is such as it should be, if we treat others with courtesy and urbanity, we have a right to the same treatment from them, — a right to all the respect which is manifested by gentlemen who know each other's worth in their conduct towards each other. If we exhibit patterns of correct deportment, whether our station be high or low, illustrious or obscure, we have a right to all that respect, felt as well as manifested, which the spectacle of moral excellence is calculated to inspire.

Second. The *cause* of respect is the conduct and the character, and not any adventitious circumstances of birth, fortune, or situation. A man is not to be respected because his father deserved to be so. If he has imitated his father's virtues, for so doing let him be praised and respected;

but if he has reversed his father's example, so much the more contempt should fall upon him, as that example is more resplendent. A man is not to be respected because he is rich. If he obtained his wealth honestly, his industry and skill, his prudence and economy deserve respect: if he employs his wealth honorably, his judgment and enterprise, his liberality and usefulness deserve respect; and these qualities will always command it. But if he has obtained his wealth by knavery or meanness, — every thing base is always to be despised, and not the less so because it happens to be successful. If he wastes it in low gratifications, — sensuality is always to be despised, not less so when it dwells in gilded halls, than when it grovels in the sordid haunts of improvident poverty. If the suffrages of the people have raised a man to an elevated station in the commonwealth, if his virtues have won those suffrages, for his virtues let him be honored: but if he has bought the venal breath of temporary popularity by vilely prostituting himself to every faction, and fanning every prejudice, the more talent he has shown in doing this, the more capacity for good he has devoted to evil, — the more let him be despised. In short, it matters not what may be a person's rank, station, circumstances, or occupation, if his services to society or to individuals entitle him to their gratitude, — he has a right to their respect. If his conduct displays qualities which deserve esteem, this gives him a right to respect. It is not the particular walk of life in which his path of duty lies, but the manner in which he discharges every duty that devolves upon him, that makes a man respectable. He, holding high office and incurring great responsibilities, who slights or neglects them, deserves censure proportioned to their magnitude: he who performs his whole duty well, though he labors in an obscure corner of the vineyard, will be accepted of his master, and has a right to the respect of his fellow laborers.

Third. The *value* of respect is so great and so universally admitted, that it is one of the most general and most powerful motives of action which mankind can feel. Ambition, the last infirmity of noble minds, is but another name for the desire of commanding the respect of multitudes, of different nations and of succeeding generations. In a more limited form, the same passion exists in every breast; as an anxious tenderness to every thing that would wound the reputation, as a jealous love of honor, it is one of the most effectual safeguards of virtue. The respect of others comforts us, because it confirms us in our good opinion of ourselves, and strengthens in us the most gratifying of all the sentiments, our self-respect. It enables us in all our dealings with others to go on openly and without suspicion of unfairness, and consequently to manage many transactions with much more ease and profit than we could with those who had no confidence in us. It gives weight to our opinions, and influence to our advice, and upon this must depend the degree in which our wishes, and persuasions, and even, for the most part, our arguments, shall affect the conduct of others. If then you wish to enjoy solitude, or society, to be satisfied with yourself, or to be unsuspected and unwatched by your neighbors, to thrive in your private dealings, or to make your talents felt in some public sphere of action, acquire and preserve respect: not by humoring all the whims, and veering to meet all the changing opinions of the hour, but by adhering with strict integrity to those rules of honesty and honor, which the common sense of all men recognize as infallible and of universal application.

Fourth. The *kinds* of respect we may claim, the effects we may expect to result from it, are either of a public or a private nature. 1. *Private.* The respect which is shown in social intercourse is grateful to him that receives it, and the denial of it, where it is expected, is sometimes exceedingly galling. We have a right to associate with those whose company is agreeable to us. Others have also the same right to associate only with such company as is agreeable to them. Upon the principle of equal rights, therefore, no association should take place which is not perfectly agreeable to both parties: and this rule being admitted and acted on, this difficult and sometimes embarrassing subject will easily regulate itself. I may be as good and as wise and as polite withal, as another man, yet if my company is unpleasant to him, it does not become me to trust myself upon him. His time and presence are his own, not to be intruded on by any man, just as my time and presence are my own, and sacred from all intrusion. It is not the amount of intelligence or the degree of worth that leads particular sets of persons into each other's society: it is identity of pursuits or similarity of tastes, feelings, and manners, that naturally draws them together. If an artist seeks the company of a brother artist, he does not intend thereby any thing derogatory to the parson of the parish. If a broker falls into conversation with a broker, it is not because he has less respect for the opinions of the lawyer, but because two persons of the same calling can find topics at once in which they feel a common interest. If students resort to each other's company, it is not that they mean to reflect upon the merchant, but because so many of his interests are unintelligible to them, and so many of their notions are Greek to him. Forced association is any thing rather than pleasant or profitable. If you should take a grave and recluse divine from his meditations in his study, and transport him into the midst of a crew of obstreperous bacchanalians carousing in a victualling cellar in one of our cities, the sights, and sounds, and smells that would greet his senses there, though they may be all of a nature to add to the jollity of the naturalized inmates, could not but affect him painfully. He can find nothing in them congenial to his own feelings, but every thing the reverse. Now make another experiment. Take the most jovial of the disciples of sensual pleasures, who is spending all his substance in riotous living, take him from the midst of his cups, his dainties, and his short-lived mirth, and set him down alone in a great library, with the student's fare of bread and water. What would have afforded the recluse the highest happiness, only serves to make him miserable. The elements of his enjoyment are not there: he cannot hold sweet converse with the mighty dead: his soul longs for the flesh-pots again. These extreme instances sufficiently illustrate the general principle, that it is congeniality of tastes and feelings by which association must be regulated: they show also that this principle exists in human nature, and is not an artificial arrangement of society as some have supposed: that it is therefore unalterable, and need not be a subject of regret or complaint any more than the law of gravitation. Mistakes no doubt will occur in the application of this principle, but of all weak and puerile repinings, the weakest and most childish for a man to indulge would seem to be mortification and grief because we are not invited into this or that set. If our tastes, feelings, and manners are congenial to theirs, so soon as that fact is discovered no doubt we shall be; if they are not thus congenial, it is more for our comfort, as well as theirs, that we should not be. Whether we are or are not, should be of little moment. There are more sets than one in the world, in which intelligent and honest people are to be met with, and we shall feel much more at our ease where our presence is esteemed as a favor, than where the propriety of our company is looked upon as in the least degree equivocal. It is no great hardship, I say, and every sensible man will admit it, not to be invited into a new set quite so soon as we think our accomplishments deserve, but if, by the power of public opinion, the force of ridicule, or by any other means, a new set attempt to thrust themselves into our society, our right of choosing our own associates is impudently invaded, and then indeed we have serious ground of complaint. But though we have a right to choose our own associates, and are therefore bound in duty not to intrude on others, yet whenever business or accident brings us into intercourse with others, we have a right to be treated with all the deference which it becomes equals to show each other. Not only our interests but our feelings should be respected, and the best way to secure the respect we deserve, is invariably to show to others all the respect which they deserve. We have a right also to all the influence which our virtues and talents will enable us to exercise. This our just share of influence we should be careful to preserve by making a wise use of it, the neglect of this precaution being the fault by which our brethren in other countries have lost it, as often as fortunate circumstances have put them in possession of it. We should jealously guard this right, and suffer neither wealth nor poverty to have any more than their due and natural share of influence. An aristocracy of wealth is impossible in a country where the property of an intestate father is divided equally among his children. An aristocracy of poverty is quite as impossible, and equally undesirable. In Catholic countries voluntary poverty has sometimes been held in honor, and its professors have arrived at great influence in the State. A workingmen's party regard poverty as an evil to be avoided, and though when involuntary, it implies no disgrace, for no man can be blamed for what he cannot help, yet when voluntary it is always disgraceful. This being the case, if wealth alone is no recommendation, so neither is poverty; and if poverty alone should not diminish the respect paid to honor, virtue, and talents, so neither should wealth. The envy therefore which makes a mean spirit hate another's success, even though allied to shining merit, is as unbecoming as the servile self-abasement which worships at the altar of Mammon. Let us banish from our minds both these ignoble prejudices, and bestow respect wherever we recognize merit. Let us pay most deference where we meet most desert, and allow most influence to those who use it best.

2. We have an equal right, all of us, in proportion as we deserve them, to share the tokens of *public* respect. Offices of honor, trust, and profit, are created not for the benefit of those who hold them, but for the service of the people. The people will delegate these offices to those whom they consider best qualified to discharge their duties. We have a right to qualify ourselves as well as we can, to have our qualifications fairly brought before the public and to be judged according to them. We are eligible to all offices, from the lowest to the highest, and to such as the public judge us fit for, we may be elected. We have a right to accept whatever the public may offer us, but before we do so, let us stop and consider whether it is expedient to exercise this right. There are several previous questions to be settled before this can be determined. Ask yourself, am I fitted for the station to which the partiality of my fellow-citizens has called me? Shall I not by accepting it, keep out a person whom I know to be better qualified, and, whose election my influence might be sufficient to insure? If it is an office of *honor*, can I afford to spare the time and the expense, which I must incur in it, and which will probably exceed any calculation I may make at the outset? If it is an office of *trust*, why should I bear all this responsibility, — are there not others who can bear it as well as I?

If it is an office of *profit*, so called, will it not prove too unprofitable for me, by taking me from my regular business, and after imposing upon me extraordinary care and anxiety, paying me less than half what I should have earned in the employment I must relinquish for it? Or even if the emolument is sufficient for the time, have I any certainty how long I shall hold it, — and when I am obliged to give it up, can I return to my present occupation with the same advantages I have in it now? If all these questions can be answered satisfactorily in favor of such a course, it may be your duty to accept office, even at the sacrifice of ease and comfort. But if you have any doubts in your mind, weigh them well, before you exchange the independence of a private citizen, for the endless toils and thankless drudgery of a public servant. Our rights, you will say, must be represented and taken care of. True, but it is not necessary a man should be of my trade to understand such of my interests as the law affects. In making the laws, or executing them, or adjudicating under them, the knowledge necessary is a technical acquaintance with the routine of the particular office, and enlarged and comprehensive views of the various conflicting interests concerned. These are not learned in one trade or in another, but are to be gained by long observation and profound reflection. Let your rights be represented and defended by those you can trust, and if one of your agents deceives you, trust him not again. Above all, fill all offices in which there is any thing to be done with *hard-working men*. It is no matter what trade they have worked at, for one trade is as good as another; but they should be men who will always understand what they are about, and work hard at it. If you have occasion to compliment a do-nothing, put him into an office where there is nothing to do, and then he will be in his element; but by the way, the fewer of *such* offices you have the better, and the honor should always be considered fair pay for the burden of holding them. Under this head there is no dispute about our rights: the only question is in what manner it is expedient to exercise them.

VI. *We have a right to advancement in life.* There is a peculiarity implanted by its Maker in the human mind, — never to rest satisfied with its present condition. How high soever its present attainments, it presses on with an undiminished ardor for something higher and better: it forgets the things which are behind, and looks forward with immortal aspirations to those which are before. For the wisest ends, God has given this desire to every human soul, and has made it unremitting and inextinguishable. Prosperity does not satiate it; disappointment does not damp it: through successes, through reverses, it still burns on, warming with its healthy glow the heart that is chilled by adversity: urging to more vigorous action the enginery of the intellect that has already surpassed competition. The cant of all ages, the cant of philosophy, as well as the cant of superstition, has always been levelled against this noblest of our instincts, but the united hostility of sophistry and fanaticism has always been unavailing. You might as well by your reasoning persuade man that he was made to grovel on four limbs, prone, like the beasts, instead of lifting his head proudly like the lord of the lower world, as to reduce him to the sordid contentment of the brutes, who know nothing of the future, from that sublime and celestial impulse to ameliorate and to exalt his condition, to purify and to perfect his nature, which he was created a little lower than the angels to entertain and to enjoy. You might as well think to blot out the sun from the heavens, as to quench the fire which the All-wise has kindled in the human breast. Through the whole species it is pervading as the breath of life, all-grasping as the intellect, undying as hope. The desire of bettering our condition has been arraigned as a criminal opposition to the ordinations of Providence. The infallible monitor within us answers, no: it is prompted by Providence. In vain has contentment — *absolute contentment* — been inculcated as the highest earthly duty, from the pulpit and the press, by the orator, the poet, and the moralist. We cannot be contented; and it is well for us that we cannot. It has been written, said, and sung, in a thousand plausible ways, that ignorance is better than knowledge, poverty better than wealth, listless apathy better than intense interest, inert idleness than industrious activity, — and that therefore it is foolish to endeavor to improve our condition, since all these *negative* blessings can be enjoyed without effort. The love of paradox has given some currency to this mischievous theory; but in practice, men's instincts have generally proved too strong to be stifled by errors of speculation. To a philosopher who should labor to propagate any such doctrine, the reply of a plain workingman would be, Sir, your conduct gives the lie to your professions. If you really feel that indifference and supine inaction constitute the only true felicity, why trouble yourself about your arguments and your systems, and take so much pains to convince others of their soundness? Sir, you have got together a great deal of learning to prove to me that ignorance is bliss, and you work very hard to satisfy me that you prefer idleness to activity. The only position you establish thereby, is that your own mind loves to be in motion, — that your nature will not suffer you to be at rest, in spite of your theory to the contrary; but that, like all the rest of the world, you seek enjoyment by the exercise of your faculties.

If the desire of improving our condition — *the instinct of perfectibility* — cannot be suppressed, is it desirable that it should be confined to the narrowest possible limits, or should it be encouraged to enlarge itself, and take the widest scope opportunity offers? Most decidedly the latter. It is this instinct which rouses us to action, which urging us on to benefit ourselves, impels us into courses which benefit others, and to which is to be attributed the progressively accelerated career of social, moral, and intellectual improvement. Is the instinct of perfectibility to be less cultivated among workingmen, than among others? Decidedly the contrary. It is this that makes us workingmen. A man never acts without a motive; and this motive is always, in some form or other, the desire of increasing his happiness. Now let a man set about the pursuit of happiness systematically, and follow it up perseveringly, and he becomes at once a genuine workingman. And shall those whose plan of life is to subserve their own best interests by promoting the best interests of society, be postponed to those who drift down the current of time, without chart, compass, or attempt at a reckoning? It not only must not be, but cannot be. It is not only unjust, but impossible. We are travelling onward towards perfection, and nothing can retard our progress but our own wickedness or our own folly. In whatever respects circumstances ought to be different from what they are, let us recollect that it is we, for the most part, who make circumstances. Whatever change is requisite in the institutions of society, or in the laws of the State, — we mould the institutions, we enact the laws. The power is in our hands to use it for our common good. The high places of the republic are ours, to dispose of them as we will. Wealth and honor, respect and influence, the delight of advancing steadily from good to better, the glory of having done well, the proud consciousness of having deserved well, the solid satisfaction of success earned by merit, these are the rewards in prospect before us. In no time since the creation, in no nation under the sun, have workingmen beheld that open path before them, in which we are invited to walk. There are no obstacles in the way to deter us from entering it, but only such as operate as incentives to the resolute. Advancement in life courts us to accept it, and nothing can snatch it from our grasp but some unpardonable vice inherent in our own character.

> The fault, dear Brutus, is not in our stars,
> But in ourselves, if we are underlings.

On, then, brethren of the honorable fraternity of the workingmen of these United States of America. Let us speed our course in the strait way. Let no man deceive us. Let no man control us. Let us pursue steadfastly our best interests, and hold, with an iron gripe, these our invaluable rights.

ORATION AT SCITUATE.*

The annual celebration of the commencement of our national existence is a custom that deserves to be approved and perpetuated. If those who live under governments in which the subjects have no share, can feel a patriotic interest in the commemoration of the victories that have illuminated their annals, much more may we, a self-governing, sovereign people, exult in our joint inheritance of joy and pride. If the battles in which the selfish ambition of rivals for power, has deluged every corner of the earth in fraternal blood, are held in everlasting remembrance by the posterity of the victors, to keep alive the national spirit, and to nourish that enthusiasm, which, blind and preposterous as it may sometimes be, is yet the strongest safeguard of a nation's honor, union, and independence, how much rather should we embalm in our hearts an act of self-sacrificing devotion unsullied with any mixture of sordid interest, — an act which stands, and must forever stand, alone, in its original, unapproachable sublimity. The blasts which have rung loudest and most frequent from the trumpet of fame, have ever pealed in honor of mere vulgar slaughters, an unavailing and a lavish waste of life, over which pure philanthropy could only weep. How delightful is the contrast of our American jubilee, when our grateful anthems ascend in devout thanksgiving to Him who inspired the founders of our independence to erect for themselves that ever-during monument, — a work which, as it had no model, though it may be often imitated, will have no equal, —forever peerless in its solitary grandeur.

If there be any event in the history of the world, that any nation is called upon to celebrate by an annual festival, the birth-day of a free and mighty empire presents the strongest claim to this distinction. On such an occasion it is natural to revert to the fundamental principles of our social compact, to investigate the spirit of our institutions, to discuss our duties and our prospects, as well as to kindle the fire of patriotism. Indeed, were it not for the vast variety of topics which a subject so rich in interesting reflections as the declaration of American independence necessarily suggests to the mind, one might almost despair of gilding with the charm of novelty a theme which has been so often exhibited by your poets and your orators. But such a subject is a mine of inexhaustible wealth. As far as you explore its diverging veins, new treasures will still reward your search as bright as those that blushed at the first opening of the soil.

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* Delivered on the 4th of July, 1836.

The 4th of July, 1776, was the date of our political separation from Great Britain. The separation left the colonies independent States. But political independence was only a single step towards freedom from foreign influence. Much remained to be done — alas! much yet remains to be done — before these United States can be pronounced to be completely and in the broadest sense independent of Great Britain. The British spirit is still largely felt; it still in a great measure predominates over our literature, our manners and customs, through the whole tone of our society, in the whole tenor and spirit of our laws, and in far too much of our domestic and foreign policy. It was natural that this should have been so; it is inexcusable that it should remain so. It is high time that we were independent, not only politically, but intellectually, morally, and without qualification.

The founders of our States were British emigrants. They brought with them the spirit of liberty, but it was the spirit of British liberty, as modified by British institutions, and as qualified by British prejudices. They were firm, consistent, and loyal friends of the British Constitution, and they were disposed to yield a hearty obedience to the British government, within the limits of the British Constitution. The British government undertook to impose upon them burdens which the British Constitution did not warrant, and like true Englishmen they resisted. They vindicated for themselves the rights and privileges of Englishmen. This brought on alienation, war, secession, and those who at first meant only to hold fast their birth-right as British subjects, ended by casting off their allegiance to the British crown.

At the commencement of the revolution, our fathers were, generally speaking, whigs: that is to say, they were warmly attached to the British Constitution as it then existed. They were attached, and adhered with a loyal fervor, to hereditary monarchy in the Protestant succession, to a hereditary peerage, and to that elective aristocracy, the House of Commons, which by a legal fiction was said to represent the people of Great Britain. They were thoroughly imbued with British principles, — with whig principles, but in the course of a seven years' war most of them got gradually, though effectually, rid of these principles, — they ceased to be British whigs, and became American democrats.

The mere act, however, of severing the political connection between ourselves and the mother country did not, of itself, necessarily and immediately, alter the whole complexion of every article in the political creed of every American. Some, no doubt, who were most bigoted in their attachment to British principles, continued in the faith in which they were brought up, — continued to be whigs. It has even been said, that, long after the war was over, there were distinguished men who still held fast to the whig system. It was said that Alexander Hamilton declared that the British Constitution, with all its faults, and with all its corruptions, was the most admirable constitution upon the face of the globe, and that without its corruptions it would be altogether impracticable. If this were so, this great man must have been a thorough whig after the federal Constitution had been some years in operation. Whether the tradition be correct or not, and our authority for it is the word of Mr. Jefferson, it cannot be doubted that there were those who entertained, if they did not avow, the sentiment attributed to Hamilton. Such sentiments, under various disguises, have survived to the present day. There is reason to suppose that genuine whigs may yet be found in New England, the part of the country which most nearly resembles Old England, still cherishing, through good report and evil report, the political faith which they inherit from ante-revolutionary times; like Bourbons, forgetting nothing, learning nothing, — unchangeable through sixty years of hard experience. These whigs, however, must be antiquities and curiosities, — few and far between, contrasting oddly enough with rational American democrats.

The majority of the people, however, are not, and never again can be, whigs. They desire, and have long desired, to cast off that British influence, which weighs so heavily upon us, from education and habit, but which is so repugnant to our institutions, condition, and character. It is therefore an interesting inquiry to ascertain, as nearly as may be by a general and cursory examination, by what steps, and how far, we have discarded the unwholesome control of notions derived from our colonial dependence; and by what measures, and to what extent, it is expedient that we should endeavor to eradicate the leaven that remains, and to make ourselves in very deed and truth, as our fathers declared that we are, and of right ought to be, Free and Independent States.

The power to tax the colonies without their consent was never constitutionally possessed by Great Britain. The attempt to exercise this power brought on resistance, and a war, in the course of which the Declaration of Independence was issued and maintained. The successful issue of that contest, under the auspices of Washington, forever freed our necks from the yoke of foreign political supremacy. After the peace, the incompetency of the confederation, and the evident tendency towards anarchy in the several States, produced a reaction in favor of the British system, which, while the war was raging, had fallen into disrepute. The British Constitution was held up as the only model, and the perfect model, of a free government. A leading whig of those times, a more consistent, not to say more honest whig than any of the present day, proposed an executive for life, to have the power of nominating the governors of the different States, with a senate during good behavior, in effect for life, as conservative institutions to counterbalance the democratic force of the popular impulses that make themselves felt in our government. The democracy, however, was then so strong, that not all the genius of Hamilton, with the authority of the genuine whigs associated with him, mighty names some of them, could impose upon the people a scheme bearing these aristocratic features. Under the mediation of Washington a compromise was effected. A government too strong for the fears of Patrick Henry and of Jefferson, and many other sagacious, patriotic, and eminent statesmen, but not strong enough to answer the views of Hamilton and the other admirers of the British Constitution, was recommended by the convention, and adopted by the popular suffrages. The crisis was safely passed, and the father of American freedom was a second time the savior of his country.

Washington not only burst asunder the British chain, but his wisdom and his weight of character introduced that expedient, I mean our existing Constitution, which averted the natural and the threatening revulsion of British principles; a revulsion which would have been absolutely irresistible after a few years of suffering and anarchy.

The Constitution, I say, was an expedient which saved us on the one hand from anarchy and its miseries, on the other hand from that reaction in favor of the high-toned and aristocratic doctrines of the whigs, which must have followed anarchy. It was admirably adapted, — it was almost miraculously adapted to its objects, considering the circumstances under which it originated. It soon became apparent, however, that the federal government was not to be an exception to the ordinary principles which regulate the action of ambitious men, placed in situations to stimulate their ambition. Power is to ambition what wealth is to avarice. Instead of satisfying the desire, it creates an insatiable craving for more. The disposition of power to arrogate to itself more power was exemplified in the federal government, as it has been in every other since the world began. This became its guiding and its governing principle; opposition to this was the criterion and the substance of democracy. In its course it swelled and grew like a snowball, till it accumulated to the magnitude and moved with the ponderous momentum of an avalanche.

The fundamental article of the democratic creed is this, that the general government ought to be strictly confined within its proper sphere. In the words of Thomas Jefferson, taken from an official opinion drawn up by him while secretary of State, they "consider the foundation of the Constitution as laid on this ground, that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, or to the people. To take a single step beyond the boundaries thus drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."

Congress overstepped these boundaries in 1791, by the charter of the bank, in spite of the strenuous opposition of the republicans of that day, with Jefferson and Madison at their head. Hamilton, the most ardent admirer of the British Constitution, then secretary of the treasury, aimed to place that department "in such an attitude as to command the whole action of the government." He believed that mankind could be governed only in two ways, by force, or by corruption. Force was out of the question here, of course corruption was the only alternative. Sir Robert Walpole, the most distinguished whig minister of Great Britain, while first lord of the treasury and chancellor of the exchequer, has the credit of having originally introduced this system of government, which has been characteristic of the whig party ever since, wherever it has been in power, with means at its disposal. "For self-defence, where argument failed," says his biographer, "he had recourse to the more powerful influence of corruption; and this latter mode of conviction, which he not only practised from necessity, but *systematically vindicated and recommended*, gave a distinguishing character to his administration, and entailed reproach on his memory." It must be allowed that the bank party in the United States are richly entitled to be considered legitimate followers of Sir Robert Walpole, whose maxim was that "every man has his price," and so far at least they have a right to the appellation of whigs, — being not only admirers of the British Constitution in theory, but admirers and imitators of its practical operation, under the most celebrated of whig administrations.

Having once overstepped the boundaries of the Constitution in the creation of a bank, the government by degrees went on to take possession of that boundless field of power, no longer susceptible of any definition, which was thus opened to them. The obstinate resistance of the democratic party could not prevent such legislative constructions of the Constitution, as made it a very different thing from what the people thought they had submitted to. Those sweeping powers which Hamilton and his friends had sought in vain to incorporate into the Constitution, were extorted from it by virtue of the doctrine of implication. It was tortured into any shape that might suit their purposes. "Legislative explanations," says Jefferson, "were given to the Constitution, and all the administrative laws were shaped on the model of England, and so passed." The alien and sedition laws, the muzzling of the press, the unrelenting proscription for opinion's sake, made that period emphatically the reign of terror.

The bone and muscle of the nation, the hope and strength of the people were roused at last, and took the power into their own hands. They perceived that it was their own quarrel which was to be fought out against the lovers of power and wealth, who were fast monopolizing both, to the imminent danger of the general freedom. They rallied, therefore, under the early and inflexible champions of the democracy; truth and reason were the weapons they employed; union gave them strength, and the aristocracy was prostrated before them. The immortal Jefferson was seated at the helm of State, and at once "restored the government to the republican track."

Mr. Jefferson disallowed the binding force of British precedents, and undertook to conduct the government upon American principles. His untiring efforts through the eight years of his presidency did much towards carrying back the administration to its original, constitutional simplicity, and to accommodate our institutions, which had begun to be warped after a foreign model, to our own situation, character, and circumstances. It was impossible for him to return to the primitive purity of our system, however, so strongly had the British virus impregnated the whole body. He did what could be done, but to complete the work was reserved for his more fortunate successor. The Constitution had been deeply violated, but the violation could not at that time be redressed. Mr. Jefferson had given his written opinion on the fifteenth of February, 1791, that "the incorporation of a bank, and the powers assumed by this bill, have not, in my opinion, been delegated to the United States by the Constitution." He might have stated this as a fact, for while the bank bill was under discussion, Judge Wilson was reminded by Mr. Baldwin, of the following occurrences in the grand convention. Among the powers enumerated, in the draft of the Constitution, was that to erect corporations. On debate, it was stricken out. Particular powers were then proposed; among others, that to establish a national bank. This was opposed and rejected. Judge Wilson admitted the correctness of this statement, which is now well known from other sources.

The late lamented Mr. Madison concluded his speech against the bank, in 1791, by remarking, that the power, exercised by the bill then pending, was

"*Condemned* by the silence of the Constitution.

"*Condemned* by the rule of interpretation arising out of the Constitution.

"*Condemned* by its tendency to destroy the main characteristic of the Constitution.

"*Condemned* by the expositions of the friends of the Constitution, whilst depending before the public.

"*Condemned* by the apparent intention of the parties which ratified the Constitution.

"*Condemned* by the explanatory amendments proposed by Congress themselves to the Constitution."

That such a power, loaded with such condemnation, should, notwithstanding, have been usurped and exercised, was enough to introduce a rooted and general corruption which could not be removed until the cause was eradicated. Mr. Randolph, in 1824, after speaking of the "vagrant power" to charter the bank, "seeking through the different clauses of the Constitution where to fix itself," and the vagrant power of internal improvements, "after being whipt from parish to parish, at last seeking a settlement under the war-making power" — in the same speech in which he asserted that a new sect had arisen, who, in their latitudinarian constructions of the Constitution, as far transcended Alexander Hamilton and his disciples, as they transcended Thomas Jefferson, James Madison, and John Taylor of Carolina, — attributed all those loose interpretations of the Constitution which favor consolidation, to the establishment of the banking power, as their original source. "Sir," said he, "when I consider this war-making power, and this money-making power, and suffer myself to reflect on the length to which they go, I feel ready to acknowledge that in yielding these, the States have yielded every thing. The last words of Patrick Henry on this subject, although uttered five and twenty years ago, are now ringing in my ears. I am sorry to say that all the difficulties under which we have labored, and now labor, on this subject, have grown out of a fatal admission, by one of the late presidents of the United States, which gave a sanction to the principle, that this government had the power to charter the present colossal bank of the United States."

The unconstitutional, anti-American, and strictly British character of such an institution was attested, as long ago as eighteen hundred and eleven, by Henry Clay, whom we may fairly offer as an unexceptionable witness against the consolidationists, the British, or whig party. "When gentlemen attempt to carry this measure on the ground of acquiescence or precedent," said Mr. Clay, in his speech against the re-charter of the old bank, "do they forget that we are not in Westminster Hall?

"To legislate upon the ground merely that our predecessors thought themselves authorized, under similar circumstances to legislate, is to sanctify error and perpetuate usurpation.

"The great advantage of our system of government over all others is, that we have a written Constitution defining its limits, and prescribing its authorities, and that, however for a time, faction may convulse the nation, and passion and party prejudice sway its functionaries, the season of reflection will recur, when calmly retracing their deeds, all aberrations from fundamental principles will be corrected. But once substitute practice for principle, the exposition of the Constitution for the text of the Constitution, and in vain shall we look for the instrument in the instrument itself! It will be as diffused and intangible as the pretended Constitution of England.

"What would be our condition if we were to take the interpretations given to that sacred book, which is or ought to be the criterion of our faith, for the book itself? We should find the Holy Bible buried beneath the interpretations, glossaries, and comments of councils, synods, and learned divines, which have produced swarms of intolerant and furious sects, partaking less of the mildness and meekness of their origin, than of a vindictive spirit of hostility towards each other. They ought to afford us a solemn warning to make that Constitution which we have sworn to support our invariable guide. I conceive then, Sir, that we are not empowered by the Constitution, nor bound by any practice under it, to renew the charter of this bank."

Mr. Clay believed the bank to be, not only British in principle, but identified with British interests.

"May not the time arrive," he asks, "when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation, will be dangerous to our liberties? By whom is this immense power wielded? By a body who, in derogation of the great principle of all our institutions, responsibility to the people, is amenable to a few stockholders, and they chiefly foreigners. Suppose an attempt to subvert this government, would not the traitor first aim, by force or corruption, to acquire the treasure of this company? Look at it in another aspect. Seven tenths of its capital are in the hands of foreigners, chiefly English subjects. We are possibly on the eve of a rupture with that nation. Should such an event occur, do you apprehend that the English premier would experience any difficulty in obtaining the entire control of this institution?

"Go to the other side of the Atlantic, and see what has been achieved for us there, by Englishmen, holding seven tenths of the capital of this bank. Has it released from galling and ignominious bondage, one solitary American seaman, bleeding under British oppression? Did it prevent the unmanly attack upon the Chesapeake?

"Are we quite sure that on this side of the water, it has had no effect favorable to British interests? It has often been stated, and although I do not know that it is susceptible of strict proof, I believe it to be a fact, that this bank exercised its influence in support of Jay's treaty, and may it not have contributed to blunt the public sentiment, or paralyze the efforts of this nation against British aggression?

"The Duke of Northumberland is said to be the most considerable stockholder in the bank of the United States," etc.

Mr. Clay, of course, considered it to be his imperative duty to oppose with his whole powers the perpetuation of such an usurpation. He did not forget that he was not in Westminster Hall. "I felt myself bound," said he, "to obey the paramount duties I owe my country and its Constitution; to make one effort, however feeble, to avert the passage of what appears to me a most unjustifiable law.

"The power to charter companies is not specified in the grant, and I contend, is of a nature not transferable by mere implication. It is one of the most exalted attributes of sovereignty. In the exercise of this gigantic power, we have seen an East India Company created, which has carried dismay, desolation, and death, throughout one of the largest portions of the habitable world.

"Is it to be imagined that a power so vast would have been left by the wisdom of the Constitution to doubtful inference?

"Where is the limitation upon this power to set up corporations? You establish one in the heart of a State, the basis of whose capital is money. You may erect others whose capital is land, slaves, and personal estate, and thus the whole property within the jurisdiction of a State might be absorbed by these political bodies.

"The question is, shall we stretch the instrument to embrace cases not fairly within its scope."

The instrument having been thus perverted in 1791, it was impossible for Mr. Jefferson, and those with whom he acted, to restore it in 1801; for had they undertaken to revoke the charter of the bank, Mr. Clay has told us what would have been the consequence. "The judiciary would have been appealed to, and from the known opinions and predilections of the judges then composing it, they would have pronounced the act of incorporation, as in the nature of a contract, beyond the repealing power of any succeeding legislature."

Although the bank expired at the expiration of its charter, in 1811; yet it revived, with augmented power in 1816; and it was left for Andrew Jackson to fight the great battle for the Constitution, and decisively to vindicate its supremacy. He settled the question of the bank charter upon American principles, by his veto message of July 10, 1832. In that immortal document, which prostrated the moneyed power, our children, and our children's children, will read the fundamental maxims of a genuine republican policy. It contributed much towards the consummation of our independence, that statesmanship, such as that paper displays, should grapple with a death-grasp the first, the last, the greatest and the worst of those innovations, of foreign origin and uncongenial to our institutions, which had fastened themselves, with pernicious influence, upon the beautiful simplicity of our government. Let us recur to the closing paragraphs, for they may be read here very appropriately, after the declaration of independence.

"It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth, cannot be produced by human institutions. In the full enjoyment of the gifts of Heaven, and the fruits of superior industry, economy, and virtue, every man is equally entitled to protection by law. But when the laws undertake to add to these natural and just advantages, artificial distinctions to grant titles, gratuities, and exclusive privileges, to make the rich richer, and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government.

"There are no necessary evils in government. Its evils exist only in its abuses. If it would confine itself to equal protection, and, as Heaven does its rains, shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. In the act before me, there seems to me a wide and unnecessary departure from these just principles. Nor is our government to be maintained, or our Union preserved, by invasions of the rights and powers of the several States. In thus attempting to make our general government strong, we make it weak. Its true strength consists in leaving individuals and States as much as possible to themselves, — in making itself felt not in its power but in its beneficence, not in its control but in its protection, not in binding the States more closely to the centre, but leaving each to move unobstructed in its proper orbit.

"Experience should teach us wisdom. Most of the difficulties our government now encounters, and most of the dangers which impend over our Union, have sprung from an abandonment of the legitimate objects of government, by our national legislation, and the adoption of such principles as are embodied in this act. Many of our rich men have not been content with equal protection and equal benefits, but have besought us to make them richer by acts of Congress. By attempting to gratify their desires, we have in the results of our legislation, arrayed section against section, interest against interest, and man against man, in a fearful commotion, which threatens to shake the foundations of our Union. If we cannot at once in justice to interests vested under improvident legislation, make our government what it ought to be, we can at least take a stand against all new grants of monopolies, and exclusive privileges, against any prostitution of our government, to the advancement of the few at the expense of the many, and in favor of compromise and gradual reform in our code of laws and system of political economy."

By doctrines such as these, our illustrious president, while protecting the independence of his country from foreign influence and foreign example, naturally earned for himself the hatred of our British, or whig party, who still answer to the description given of them in their principal organ in the old world, the Edinburgh Review, "the strength of the whigs lay in the great aristocracy, in the corporations, and in the trading or moneyed interests." But how could they expect to bend from his purpose, by exhibitions of their futile wrath, the man who discomfited their allies at New Orleans. They should have remembered that the "quick discernment, prompt decision, and energetic execution which characterize a man fitted to command an army," make him competent also "to discern and adopt the measures calculated to promote the welfare of his country in his civil administration."* That "a strong mind will soon grasp a new subject to which it turns its attention;" and that the first subject to which the attention of a democratic president must be turned was no other than the British bank. They should have remembered the assurance given by Thomas Jefferson, "Andrew Jackson is a clear-headed, strong-minded man, and has more of the Roman in him than any other man now living." They should have remembered that it was to him alone that Jefferson looked to finish this very work which he had begun, the restoration to the States and people, of powers not granted to the federal government by the Constitution. "It is fortunate," said the patriarch of democracy, — "it is fortunate for the country, that General Jackson is likely to be fit for public life at the end of the present four years (from 1825); for in him is the only hope left of avoiding the dangers manifestly about to arise out of the broad construction now again given to the Constitution of the United States, which effaces all limitations of power, and leaves the general government, by theory, altogether unrestrained." They should have remembered the character ascribed to him by James Monroe, "a man fit for any emergency; a statesman, cool and dispassionate; a soldier, terrible in battle, and mild in victory; a patriot whose bosom swelled with the love of country; in fine, a man whose like we shall scarce look upon again." They should have remembered that from the path of duty, he never turned aside; for this they knew, not only from his history, but from the testimony of our Massachusetts statesman, John Quincy Adams. "General Jackson justly enjoys in an eminent degree the public favor," said the late president; "and of his worth, talents, and services, no one entertains a higher or more respectable opinion than myself. An officer whose services entitle him to the highest rewards, and whose whole career has been signalized by the purest intentions, and most elevated purposes." They should have remembered that so unquestionable were these virtues as to extort from an envious rival, Henry Clay, professions of admiration. "Towards that distinguished captain, who has shed so much glory on our country, whose renown constitutes so great a portion of its moral property, I never had," said the western orator, "I never can have, any other feelings than those of profound respect, and of the utmost kindness." They should have remembered, that, at the age of thirty, a senator in Congress, when the latitudinarian expositions of the federalists were breaking down the landmarks of the Constitution, and consolidating the States into one sovereignty, Andrew Jackson was found on the side of those republican principles peculiar to America, and essential to her liberty; and that ever since that time he has been a firm, consistent, and unwavering democrat; and then they could never have doubted that the anticipations of Mr. Jefferson would be realized, that the fate of the bank was sealed by his election, and that the renovation of the Constitution was to be the last Herculean task of Andrew Jackson. The task was his, and he was equal to its accomplishment.

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* Timothy Pickering's letter to Philip Van Cortland, April 18th, 1828.

This brave and wise old man, whom king-loathed Columbia has so long delighted to honor, is approaching the goal at which his patriotic labors are to terminate. Having filled full the measure of his country's glory, covered with the laurels of martial and of civic triumph, rich in the gratitude of millions redeemed from the scourge of monopoly, and cheered by the hope that the blessings he has won for his country may be perpetual as the love of freedom in the hearts of Americans, there is still in store for him a higher and purer enjoyment than any of these. When his long career of public duty shall have been finished, and he shall seek the peaceful Hermitage, to dedicate to needed and wished-for repose the evening of his days, with what tranquil satisfaction will he look back upon the many, the weighty, and the lasting services, which a benignant Providence has made him the chosen instrument to render to this heaven-protected nation! With what delightful consciousness may he then reflect upon the faithful performance of the vast obligations devolving on such a man, upon the good use which he has made of the many talents wherewith God has gifted him, upon the large part allotted to him, in the wide sphere of action in which he has moved, done — all done — and well done! Fortunate soldier, statesman, patriot, and philanthropist!

You have defended our soil from invasion, restored our violated Constitution, disarmed and prostrated the most dangerous foe of our liberties, brought a whole great people by your judicious policy into a palmy state of prosperity never known before, and by the successful issue of an honest and straight forward course of plaindealing, have demonstrated to mankind that the same principles of morality and honor may govern, and ought to govern, the intercourse of nations, which regulate and dictate our conduct in our individual relations. The bright example of the republic over which you preside, has penetrated the darkness that so long has brooded over the Old World. It towers and glows, refulgent and beautiful, a beacon light to the tempest-tost pilgrims of liberty, kindled late but shining far through the pervading gloom of transatlantic tyranny, reviving dying hope even in the bosom of despair. Self-government is no longer a visionary dream. Republics no longer tend irresistibly to consolidation and despotism. A truly Roman energy has thwarted and turned back that tendency, and has reinstated the Constitution in its primitive purity, with its original vigor, but without the superadded and unnatural impetus which would have drawn every thing into its vortex, or else have torn it asunder by the increasing violence of its own motions.

Through what a series of toils, and perils, and vicissitudes have you reached the crowning period of your life, when your opposers looked up to you, with the same confidence as your friends, to vindicate, as you always have vindicated, and always will vindicate, our insulted honor. The country knew that its honor was safe, for it remembered your declaration, "the honor of my country shall never be tarnished in my hands;" and it had the sure guaranty of your life and character, before that emphatic sentence was uttered. The almost unanimous election which placed you for a second term in the Presidential chair, has been followed by an approbation of your administration approaching still more nearly to unanimity; and in your retirement from office, you will be followed by that universal respect and affection, of which the world has seen but one illustrious instance, in the person of your earliest predecessor.

From the level of humble poverty, by honest industry and prudence in every station he was called to fill, Andrew Jackson has reached an easy affluence. From a friendless obscurity, by the exercise of those heroic virtues which in all ages have commanded the admiration of mankind, he has raised himself to that splendid eminence beyond which there is no higher pinnacle of fame. He has occupied with signal merit the most honorable office in the world, the elective chief magistracy of an independent nation of freemen.

Fortunate to have run this unexampled, this wonderful career! Beyond the eight hundred millions of your contemporaries most fortunate! Fortunate beyond comparison in the varied annals of history! Beyond comparison save one, for between Jackson and Washington how close is the parallel.

There are three great names which mark three distinct epochs in our progress towards a complete independence: Washington who threw off the yoke of British power: Jefferson who broke the charm of British precedents, and British authority: Jackson who cancelled what remained of British institutions, and British policy. There are numerous points of resemblance between the three, but more especially between the first and last.

To the heroes of the first and of the second war of independence, it was equally objected, that their early education had been in some degree defective. As if every man of genius did not educate himself, in maturer life, for whatever of duty devolved upon him; as if Marlborough were any the less a general or a statesman unrivalled in his day, because, as Lord Chesterfield tells us, in terms not applicable to Washington or Jackson, "He was *extremely* illiterate, wrote bad English and spelled it worse;" as if both were not well versed in practical politics, familiar with public affairs as with the air they breathed; and as if that were not a well known truth which the elder Adams remarked in his defence of the American Constitution, "Knowledge is by no means necessarily connected with wisdom or virtue." It was also urged against both by their enemies, that they were military chieftains. As if the qualities that fit a man for bold and judicious conduct in war, were not the requisites of bold and judicious conduct in the cabinet; as if it did not need as firm a hand to grasp steadily the helm of State, as to direct the columns, or marshal the ranks for a battle; as if Julius Cæsar, Cromwell, Napoleon, and Wellington, were inferior, as practical statesmen, to Cicero, Charles the First, Louis the Sixteenth, or Canning. But these charges had little weight with the sober sense of the American people, who formed a correct estimate of the genius of each, notwithstanding the efforts of their revilers.

That Washington was what is called a self-made man, is well known to us all, yet Washington was pronounced by Patrick Henry, on his return from Congress in 1774, to be the greatest man for information and judgment in that body. That Jackson has been emphatically the artificer of his own fortunes is equally undeniable. He has built up his enviable and surpassing fame, not by the aid of family connections, hereditary wealth, or favorable opportunities; but in despite of adverse circumstances, and inveterate opposition. The man in abuse of whom the powers of language have been daily exhausted, for some years; on whom has been lavished, without stint, the whole vocabulary of envy, wrath, malice, and all uncharitableness, having been honored with the confidence of every president, from Washington down to his own immediate predecessor, has *three times* received far the largest number of votes for the highest office in the gift of the people; and has twice been called, by an overwhelming majority of suffrages, to fill the presidential chair, thereby evincing that he possessed "the unbounded confidence and expectation of the nation," of which the ballot-box is the only sure test.

By his own unaided merit has he risen to that proud eminence. Having seen his only brother perish by the cruelty of the enemy, in the war of the revolution, and his broken-hearted mother follow her son to the grave, he went alone, friendless and pennyless, from his native State to Tennessee, where he had not a single blood relation, and when scarcely more than a boy, we find him selected to assist in framing a Constitution for that State, a member of the first legislature of Tennessee; selected by Washington, endowed like himself with a wonderful sagacity in the discrimination of character, for the responsible office of district attorney; soon after delegated among the first representatives in congress from the State of Tennessee, and as soon as he was constitutionally eligible, being only thirty years of age, he was placed in the senate of the United States. This post he soon after resigned, but he could not be suffered to remain in retirement, and he was almost immediately appointed judge of the supreme court of that State.

In this early and rapid promotion of a friendless stranger, we may see the evidence of talents for *civil service*, for he was not yet a military chieftain; and it was the ability evinced in these situations, which led, no doubt, to his military appointment during this period as major-general, commanding the militia of Tennessee, and afterwards to be major-general in the United States service.

In times of extreme difficulty and imminent danger, if there be among the citizens a spirit cast in nature's noblest mould, and fully equal to the exigency, the country turns her eyes at once to him. History has recorded how Washington was summoned by the spontaneous voice of the people to conduct to an honorable close the war of the revolution. His accomplishment of the trust justified their confidence, and crowned his fame with laurels which time cannot wither. So it was, within our memory, with our own Jackson.

The youth who had discharged with honor the important trusts enumerated, was destined to be recalled from the retirement which he loved, and which he had sought, to perform for his country services both civil and military, which were essential to her salvation, and which perhaps no other man in the nation could have performed. Governor Brooks, a staunch federalist as he was, but a soldier and a man of honor, whatever might be his impressions of the commencement of the war, surrendering party bigotry to honest national pride, frankly acknowledged that "it terminated gloriously." Both branches of the legislature of Massachusetts — aye, federal Massachusetts — voted the thanks of the commonwealth to the successful general, a testimony no less creditable to themselves than to him.

A vast plan of invasion sketched by military genius, and begun to be executed with a boldness that did not dream of defeat, by solid columns of picked men, from the veterans of more than twenty years' warfare; officered by the flower of British chivalry; led by generals of undoubted talent, tried valor, and consummate skill; trained to conquer, and exulting in their anticipated success, on the eighth of January, eighteen hundred and fifteen, received from Andrew Jackson's arm its fatal check, its final wreck, and total overthrow. "Never," said the Essex Register, a democratic paper at that time published in Salem, "never were greater expectations formed, and never were anticipations more exceeded than in this event. We attributed every thing to the discipline and comprehension of the general, and we had been taught to expect every thing from the courage, the strength, and the perseverance of the western troops. We have been surprised by the glory which surrounds our arms. We can now unite to the greatest success over the hostile savages, the more surprising defeat of the best troops from a European enemy. The same man who has prevented any future danger from savages on this side of the Mississippi, has been able to teach the civilized world that, in the career of ambition, the sons of freedom can defend their soil against the best troops that can be sent to disinherit them. * * * * The news of General Jackson's victory was received in Salem with every expression of public joy. The circumstances were so extraordinary, that the public astonishment, over-raised by the great success of this hero, would have been equal to the highest praise our country has ever bestowed, by a less glorious action. The greatness of the victory was not incredible, from *the unbounded confidence and expectation of the nation.* But even what at first might seem exaggerated praise, was found, from the dispassionate history of the conqueror, far short of the unrivalled glory of the event. *The hero is immortal, and our country has the blessing.*"

But however striking may be the resemblance in the character and history of the heroes of the two wars, the brilliant consummation of the last arduous contest more naturally suggests to our minds our own Massachusetts battle, with which the first struggle opened after the prelude at Lexington and Concord. The commencement of the first war with Great Britain made our independence inevitable, even before the declaration was published; the conclusion of the last war with Great Britain secured it forever. These two events are the pivots on which our history turns; let them, therefore, be indissolubly connected in our memories.

Ask a Yankee when absent from his native land, what thrice holy spot of all New England's hallowed soil rises readiest to his recollection, if ever the foreigner tells him tauntingly that the American continent is barren of historical monumental scenes. With a swelling heart and a beaming eye, he will answer, *Bunker Hill.* Put the same question to the hunter of the West, or to the quick and fiery Southron, and you know his answer well: it is *New Orleans.*

It is fortunate for us, gentlemen, that the two great battles in our history happened in opposite extremities, almost, of our Union. The North cannot reproach the South, neither can the South vaunt it over the North. Each possesses one imperishable glory, before which the lustre of the brightest victories, won in battles between contending tyrants, turns pale; but neither can assert, and neither attempts to arrogate peculiar and exclusive possession of either portion of the splendid inheritance. Both claim a common property in the trophies of these two memorable days, the seventeenth of June and the eighth of January; the first of which cut out work for the fourth of July, and the last completed it. Both walk together in the light of these two glowing beacon fires, kindled on that stormy coast where liberty has taken up her eternal abode, to illuminate, with the cheering radiance of hope, her benighted pilgrims, who can look nowhere else for hope but to this Western World.

Yes, my friends, Warren falling in his prime, in a sad and sanguinary defeat, — sad, yet more glorious than any victory the muse of history had ever yet recorded, — Jackson, balancing at New Orleans the account that was opened at Bunker Hill, — closing the last act of the bloody drama of our strife with the mother country, with a fitting catastrophe for so sublime a tragedy, — Jackson, achieving a victory doubly disastrous to the invaders, more than satisfying the highest expectations of a confiding country, putting to silence for awhile the clamorous tongue of envy, and extorting sincere and heartfelt praise from the vanquished brave, — these are names that are, and ever must be, dear to the whole people of the republic. No sectional jealousy shall be suffered to monopolize them; no party madness shall shut our eyes against their lustre. Their fair fame is the nation's common property; priceless, for gold could not buy it; secure, for no reverse of fortune can tear it from us. So long as language shall be faithful to its trust; so long as tradition shall preserve the outline, after history has forgotten the detail; so long as one generous emotion shall warm the human heart; after the monument shall have crumbled, but while Bunker Hill shall stand; after New Orleans shall have sunk in the dust, but while the Mississippi shall flow, Warren and Jackson shall be watchwords in the armies of liberty, — the memory of our two great battles shall eternally be renewed to cheer the fainting courage of desponding patriotism, to revive and invigorate hope when almost extinguished in the breast of the despairing lover of his kind, and to restore and reanimate his confidence in God.

To return to our parallel. Our two great commanders had not only the same success in bringing the respective wars triumphantly to a close, but their success was mainly owing to the same cause: they had both learned the same wisdom in the same school of suffering, the school of Indian warfare. It was in this that they were trained to arms, and taught that ever-watchful circumspection, prudence in council with energy in action, which they both exhibited throughout their whole career, and which occasioned "the unbounded confidence and expectation of the nation" to concentrate itself upon them. So implicit was the reliance on the western hero, that its influence extended even to the other side of the Atlantic. When Gouldbourn, the British commissioner at Ghent, remarked, "by this time New Orleans is ours," Henry Clay could boldly answer, for he knew the man, "No: New Orleans is safe: *Andrew Jackson is there.*"

The two military chieftains dismissed from the toils of war longed eagerly for retirement and repose: to neither could it be permitted. Their country still had claims upon them, claims which none but they could satisfy.

A dissolution of the bonds which held together the sister States, has twice since our separation from the mother country seemed to be almost inevitable. Twice we have been rescued from the danger, by these two patriot heroes, both strong in the unbounded confidence of the people, both enjoying that confidence from the same causes, both using it in the same way and for the same ends, both eclipsing the lustre of their military glory, by the brighter splendor of their civic fame, and both embalming the memory of their greatness in the applause, the gratitude and devotion of their contemporaries, who witnessed the salvation of their country, and of all posterity who shall inherit the legacy of the free institutions which their hands established and perpetuated.

At the outset of our career of self-government the experiment of a confederation was tried, and resulted, as every experiment of that kind always had resulted, in a total failure. Incompetent to govern, and too weak to preserve its own existence, it seemed about to tumble into ruins, and anarchy, from which there is a natural progression to tyranny, stared us full in the face. The impossibility of propping up the rotten fabric was apparent, yet the jealous patriotism of the people could hardly endure the organization of a government strong enough to sustain itself amidst the collisions of sectional interests, and to maintain order at home, the dignity of the nation and the security of its property and its citizens abroad, and to preserve peace with all the world.

There would have been just cause for jealousy and alarm, had not Providence preserved for this great occasion the savior of this country, George Washington, the first military chieftain in the annals of the world, whose unapproachable purity was perfectly proof against all the seductions of ambition. The whole people as one man, called upon him to direct the new and national government, while it should develop its untried, its necessary, yet much dreaded energies. He promptly undertook the arduous office, though in his address, at his inauguration as president of the United States, on the thirtieth of April, 1789, he tells us with characteristic modesty, that "the magnitude and difficulty of the trust to which the voice of his country called him, being sufficient to awaken in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with despondence, one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies." In their answer to this address the senate tell him truly and emphatically, "We rejoice, and with us all America, that in obedience to the call of our common country, you have returned once more to public life. In you all parties confide; in you all interests unite; and we have no doubt that your past services, great as they have been, will be equalled by your future exertions; and that your prudence and sagacity as a statesman will tend to avert the dangers to which we were exposed, to give stability to the present government, and dignity, and splendor to that country which your skill and valor as a soldier so eminently contributed to raise to independence and to empire." Their expectations were fulfilled and exceeded. Washington performed more than he had promised. The pledges given at the opening of the first congress were amply redeemed, "that the foundations of our national policy should be laid in the pure and immutable principles of private morality, and the preëminence of a free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world, — since there is no truth more thoroughly established than that there exists, in the economy and course of nature, an indissoluble union between virtue and happiness, — between duty and advantage, — between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity, — since we ought to be no less persuaded that the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right, which heaven itself has ordained, and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as deeply, perhaps as finally staked, on the experiment intrusted to the hands of the American people." The government being conducted upon these principles, the tongue of discord was hushed, the apprehension of danger was forgotten, a period of universal prosperity followed, and so long as George Washington continued at the head of the administration, "the propitious smiles of heaven" continued to bless his "honest and magnanimous policy."

Since that time, however, with the exception of a particular interval, the action of the general government has been constantly and irresistibly enlarging itself. The ominous progress of this series of encroachments upon our liberties, becoming every day more rapid, could only be arrested by a man possessing a personal popularity second to none since Washington, and disposed to use the power which his hold on the hearts of his fellow-citizens gave him, to reform the corruptions of the government, and restore it to its original purity.

Fortunately for us, the times which required, as before, produced that man. Respected for his talents and energy of character, and trusted for his integrity and the soundness of his political views; illustrious for the crowning victory of the last war, which obliterated the memory of many defeats, and outshone our other numerous victories; having on a former occasion received a plurality of electoral votes, he was at last called by an overwhelming majority of suffrages to fill the presidential chair. Unappalled by the difficulty of the task, he proceeded steadily to his great purpose, and obstacles seemingly insurmountable gave way before him. The growth of deep-rooted abuses was stayed at once, and he exerted all his sagacity and decision to eradicate them from our system. His reforms in office reduced to practice the great truth, that place-men are not possessors of office for their own emolument, but holders of a trust to be administered for the benefit of the people; and in every department, method, order, punctuality, and economy superseded negligence, carelessness, procrastination, and prodigality.

In his intercourse with foreign nations, he built upon the foundation of national policy laid by Washington, "the immutable principles of private morality," — proclaiming it at the outset as a fundamental rule of his conduct "to ask nothing but what was clearly right, and to submit to nothing that was wrong." To this golden rule he has unalterably adhered, and "the smiles of heaven have abundantly approved his honest and magnanimous policy." His frank and manly advances to other governments have met a ready and a cordial reception, and obtained for his country advantages which the tortuous diplomacy of former administrations either dared not attempt, or attempted in vain.

Though holding the highest place in the affections of the Western States, he dared to put his veto upon the log-rolling system of corruption, which threatened to make congress an exchange, where political brokers should be sent to barter money laid out and expended for promotion had and received. By this bold act he put a stop to the squandering of the millions on millions of treasure annually drained from the sea-board, and applied our superabundant resources to the payment of the national debt, which he was thus enabled to cancel; and now, those who two years ago predicted that the revenue would "fall short one half, or at least one third," have no other ground of complaint left than the rapid accumulation of surplus funds in the treasury. Yet while the expenses of the government have been kept so far within its income, by the prostration of Mr. Calhoun's internal improvement system, the taxes of the people have been diminished to the amount of eighty-five millions of dollars, on goods imported for their use, within the last five years, or more than one hundred millions of dollars including the present year.

The system of unequal taxation, of pampering the producers of a particular article, who are few, at the cost of the consumers, who are many, has been a fruitful source of misery in most of the civilized nations of modern times. After it had become the object of the abhorrence of the friends of freedom everywhere else, it was introduced, chiefly under the auspices of Mr. Clay, into the United States. The tariff of 1828, justly styled by Mr. Webster "a bill of abominations," carried this system to its height, and the consequent reaction at the South produced the baneful heresy of nullification. This brought into jeopardy our Union, and republican institutions; and there were those at the North who promulgated the unchristian sentiment, "our danger lies in concession," while the arch nullifier brandished before the South the torch of discord; and the dogs of war, almost loosed from their leash, already seemed to snuff the blood of brethren, deluging the land devoted to civil strife. But the administration had taken for its motto, "the federal Union, it must be preserved:" concession was made, liberal concession, though the Catilines preferred disunion, civil war, and anarchy to concession. We have steered clear of the rocks and quicksands that beset us, and in spite of the conspiring mutineers that would have run her on a lee shore, that they might take command of the wreck and parcel out the plunder, the ship of State stands steadily on her proud course,—thanks to the firm hand that has never let go the helm. May a thousand ages roll away before our country is again environed with perils imminent as she then escaped! Her escape she owes, under God, to the far-seeing wisdom and unwavering patriotism which presided over her destinies,—a statesmanship which will couple his name alone with that of Washington in the memory of our remotest posterity.

When Andrew Jackson was first elected to the presidency of these United States, we knew his patriotism and appreciated his talents; but who could then have anticipated that the crisis would come so soon which would put in requisition all his patriotism and all his talents, and which without those high qualities might have proved fatal to us. Eighteen long years before, he had glory enough for one man, but now his cup is filled to overflowing.

Each of the hero presidents received the sanction of the approbation of his fellow-citizens, after his system of administration had been distinctly developed, by a reëlection for a second term of service, with a high degree of unanimity. And as if to carry out and complete the parallel, each during his second term found himself harassed by the embarrassing nature of our relations with France. Both alike maintained an independent attitude towards that power, both commanded her respect; and the voice of congratulation rising from the whole continent witnesses the universal satisfaction with which America has welcomed the final adjustment of the late difficulties.

The resemblance is not confined to the history, but it extends through the personal character of these two great men. Judge Marshall in sketching the character of Washington observes, that in his civil administration, as in his military career, were exhibited ample proofs of that practical good sense and sound judgment which is perhaps the most rare, as it is certainly the most valuable quality of the human mind

We are told that he sought to acquire all the information which was attainable, and to hear without prejudice all the reasons which could be urged for or against a particular measure. His own judgment was suspended until it became necessary to determine; and his decisions, thus maturely made, were seldom if ever to be shaken. No man has ever appeared upon the theatre of public action whose integrity was more incorruptible, or whose principles were more perfectly free from the contamination of those selfish and unworthy passions which find their nourishment in the conflicts of party. Having no views which required concealment, his real and avowed motives were the same; and his whole correspondence does not furnish a single case from which even an enemy would infer that he was capable under any circumstances, of stooping to the employment of duplicity. No truth can be uttered with more confidence than that his ends were always upright, and his means always pure. He exhibits the rare example of a politician to whom wiles were absolutely unknown, and whose professions to foreign governments, and to his own countrymen, were always sincere. In him was fully exemplified the real distinction which forever exists between wisdom and cunning, and the importance as well as truth of the maxim, that honesty is the best policy. Intrigue was never employed as the means to gratify his ambition, nor was personal aggrandizement its object. The various high and important stations to which he was called by the public voice, were unsought by himself; and in consenting to fill them, he seems rather to have yielded to a general conviction, that the interests of his country would be thereby promoted, than to his particular inclination. Neither the extraordinary partiality of the American people, the extravagant praises which were bestowed upon him, nor the inveterate opposition and malignant calumnies which he experienced, had any visible influence upon his conduct. The cause is to be looked for in the texture of his mind.

It is impossible to contemplate the great events which occurred in the United States under the auspices of Washington, without ascribing them, in some measure, to him. If we ask the causes of the prosperous issue of a war, against the glorious termination of which there were so many probabilities; of the good which was produced and the ill which was avoided, during an administration fated to contend with the strongest prejudices that a combination of circumstances and of passions could produce; of the constant favor of the great mass of his fellow-citizens, and of the confidence which, to the last moment, they reposed in him, — the answer, so far as the causes may be found in his character, will furnish a lesson well meriting the attention of those who are candidates for political fame. Endowed by nature with a sound judgment, and an accurate, discriminating mind, he feared not that laborious attention which made him perfectly master of those subjects, in all their relations, on which he was to decide; and this essential quality was guided by an unvarying sense of moral right, which would tolerate the employment only of those means that would bear the most rigid examination; by a fairness of intention which neither sought nor required disguise, and by a purity of virtue which was not only untainted, but unsuspected. Such are almost the exact words of his biographer. How else could one adequately describe the character of Jackson, than by repeating what has been said of Washington?

His enemies, even, have established this to be his reputation by the nature of the charges they have brought against him. More solid than brilliant judgment, rather than genius, constituted the most prominent feature of the character of Washington. Often has our present president been reproached because he never exhibited that brilliant oratorical genius which distinguishes some of his senatorial rivals. Often has his disposition to deliberate and consult been charged upon him as the hesitation of an old man in his dotage, or the subserviency of a weak-minded man to his leaders; though this calumny long since disappeared before the full blaze of evidence to the contrary, as snow dissolves under the noonday sun. Of late years, the pertinacity with which he adheres to his matured decisions, has been a much more frequent topic, and it is represented as the obstinate perversity of an iron-headed soldier.

The incorruptibility which withstood the approaches of intrigue, in the presidential campaign of 1824, as well as in all other situations, is fresh in the recollection of all. Often has he been rebuked for the noble advice which he gave to Mr. Monroe, in 1816, to disregard mere party feelings, and select "characters most conspicuous for their probity, virtue, capacity, and firmness, without any regard to party," and his own liberal practice in this particular long furnished the pretence for much abuse. The frankness and openness of his manner, many have derided as undignified in a public station; and his want of diplomatic cunning was one of the prominent objections to his election; yet the maxim that honesty is the best policy was never more happily exemplified than in his unprecedented and unanticipated success in our foreign relations. That flattery could not seduce him, nor the malignant fury of party rage intimidate him, is now so universally acknowledged that it seems almost too trite to be repeated. For these qualities he stands before the people with a fame imperishable as monumental marble, —

> The man resolved and steady to his trust,
> Inflexible to ill and obstinately just;

Like Teneriffe or Atlas unremoved,
The stubborn virtue of his spirit proved;
Should the whole frame of nature round him break,
In ruin and confusion hurled,
He unconcerned would view the mighty wreck,
And smile secure amidst a falling world.

"In more instances than one," as Judge Marshall has remarked of Washington, "we find him committing his whole popularity to hazard, and pursuing steadily, in opposition to a torrent, which would have overwhelmed a man of ordinary firmness, that course which had been dictated by a sense of duty." "Trusting to the reflecting good sense of the nation for approbation and support, he had the magnanimity to pursue its real interests, in opposition to temporary prejudices; and though far from being regardless of popular favor, he could never stoop to retain by deserving to lose it."

The great events in which he has been concerned are justly ascribed to his personal agency. The purity of his intentions, and his elevated purposes are attested by his immediate predecessor, and now that the hoarse roar of party animosity is hushed, no voice is heard to impeach them.

The State papers of the first administration were numerous, highly important, and much admired; and the farewell address is among the richest of the legacies of wisdom which we inherit from the revolutionary worthies. The State papers of the present administration will suffer nothing by the comparison. The Maysville Road Bill veto, — the bank veto, — the proclamation, — the views of the president read to the cabinet on the 18th of September, 1833, — the protest, — the several messages, especially those on nullification, the bank, and the French affairs, — have been a New Orleans battery of heavy ordnance, — the close columns of the British party have never been able to make head against them. It is to be hoped that the close of the presidential term will be signalized by the appearance of a farewell address, to embody the parting counsels of the restorer of the Constitution.

There is another point of resemblance in the possession by Washington of a trait of character often attributed by his enemies to Jackson, — liability to passion. An eloquent panegyrist of General Washington, the Hon. Francis C. Gray, thus speaks of this peculiarity, — "History demands the whole truth, and will ask if he had no failings. If he had any — for he was a man — they have left no trace in the annals of his country, and no speck upon his own bright fame. His enemies could never find any; for all the shafts of calumny seemed to be directed against the strongest points of his character." "His friends could never find any, excepting one. The frailty which reminded him of his nature, was the possession of such violent passions, as rarely inhabit the human breast. By minute scrutiny, a few instances may be discovered, in the course of his active and varied life, in which, when he was surprised by the gross cowardice or misconduct of individuals on whom he had relied, the storm gathered on his brow, usually so serene, and wrath flashed forth like lightning; terrible as transient; for, in an instant he was himself again." No more will General Jackson's failings, be they what they may, leave any trace in the history of his country.

America might be supposed a partial judge of the fame of her favorites, — but we find them respected abroad no less highly than at home. The champion of the rights of juries at the English bar, the great master of forensic eloquence, confessed, that he stood in awe of Washington. The prime minister of the most liberal administration Great Britain has ever yet seen, pronounced Jackson to be the first of American statesmen. Already a transatlantic reputation, which no one living save himself can claim, associates his name with that of Washington, and anticipates the sure award of coming generations.

I have already extended these remarks too far to allow time for the parallel which might easily be drawn between our present chief magistrate and Thomas Jefferson. Their character as bold reformers, their common sentiments on all the great political questions, the venomous but impotent abuse which assailed both, while candidates, and followed all their measures after their election, the amazing increase of their popularity, by the very means employed to diminish it, the clamor excited by removals from office, the opposition which their efforts at retrenchment encountered, not to go through the whole catalogue of subjects acted on during their administrations, afford abundant materials for an instructive comparison. It was urged, that Jefferson could not be a practical statesman, because, said the British party, he is nothing but a whimsical philosopher; that Jackson could not be a practical statesman, because, said the whigs, he is nothing but an ignorant soldier. Loud, long, and vehement was the outcry against them, that they were filling all subordinate offices with incompetent men. Yet both succeeded, both grew stronger and stronger in the confidence of the people, and before they reached the accomplishment of their mission, were greeted with a general chorus of applause. A few still denounce Jackson, but they are those who believe that "history is a mere fable, if Thomas Jefferson would not have made his will the only law of the land, if opposition had not wrought upon his fears;" and who admit, while they condemn them both, that "Jacksonism is but a revival of Jeffersonism."

These three illustrious pioneers of genuine independence, have, by their whole career of arduous service well rewarded, demonstrated the proposition, that the American people will sustain the statesman, who maintains American principles; and, that nothing can be more grateful to their feelings, than whatever is perfectly suited to our own institutions, character, and situation; free, equal, liberal, and manly.

Did time permit, I should delight to follow out ideas so appropriate to the present occasion, and to show why it is that we have scarcely anything that deserves to be called an American literature, and endeavor to point out some means to encourage the development of native genius in natural and independent forms, instead of subjecting it, for the most part, to the constraint of servile imitation of foreign models, and repetition of foreign notions. The masculine and republican dignity of style in which our State papers were composed, during, and even before the revolution, as well as at later periods, must exempt these documents from the general censure. There are other brilliant exceptions; and, far as the nation may be below the independent station which she ought to hold in the literary world, it cannot be denied, that Massachusetts has done her share towards throwing off the yoke of foreign influence. Without derogating from the merits of others, a single name may be mentioned here with commendation. A citizen of this Commonwealth, George Bancroft, of Springfield, is doing away the reproach, which rested on us so long, that we have no history of our country, worthy of her greatness. He has produced a work, unexceptionable for the accuracy of its statements, patriotic in sentiment, delightfully interesting, admirable for the purity and elegance of its diction, and the skilful conduct of the story, and which, so far as it is published, leaves nothing to be desired. Let all our educated men, whom nature has endowed with a capacity for the higher walks of literature, employ their powers with the same laudable zeal, and judicious choice of object, with which this gentleman exerts his fine talents, and we might soon pay off the immense debt we owe to the Old World, in intellectual coinage, stamped with the impress of original genius.

True independence requires us to forbear from longer aping foreign manners, when inconsistent with republican simplicity. It requires the corrupt portion of the population of our great cities, to be kept in check by our sound, substantial yeomanry, our intelligent mechanics, and our hardy tars. These, we may safely trust, are uncontaminated.

Our legislation, also, should be of indigenous growth. The laws should be intelligible to all, equal in their operation; and should provide prompt and cheap remedies for their violation. The revision of the Statutes of this Commonwealth, just completed, has done something towards this great end, — how much, the public are hardly yet aware.

It would have been worth all the time, expense, and labor spent upon it, even though they had been ten times greater than they were. It is the most important act of our legislation since the revolution. Not only is the whole mass systematized, condensed, simplified, modernized, and made consistent with itself; but improvements, almost innumerable, have been introduced into every part, more in number and greater in value, than our general court would have elaborated, in their ordinary mode of legislation, for many years.

But the Revised Statutes, excellent as they are, contrasted with the chaos for which they are substituted, still cover but a small part of the ground. We are governed principally, by the common law; and this ought to be reduced, forthwith, to a uniform written code.

It is said by writers on the subject, that there are numerous principles of the common law, which are definitely settled and well known, and that the questionable utility of putting these into the form of a positive and unbending text, is not sufficient to outweigh the advantages of leaving them to be applied by the courts, as principles of common law, whenever the occurrence of cases should require it.

How can that which is definitely settled and well known, be applied otherwise than as a positive and unbending text? It is because judge-made-law is indefinitely and vaguely settled, and its exact limits unknown, that it possesses the capacity of adapting itself to new cases, or, in other words, admits of *judicial legislation*.

Imperfect statutes are, therefore, commended because they leave the law, in the omitted cases, to be enacted by the judges. Why not carry the argument a little further, and repeal the existing statutes, so that the judges may make all the laws? Is it because the Constitution forbids judges to legislate? Why, then, commend the legislation of judges?

The law *should be* a positive and unbending text, otherwise the judge has an arbitrary power, or *discretion;* and the discretion of a good man is often nothing better than caprice, as Lord Camden has very justly remarked, while the discretion of a bad man is an odious and irresponsible tyranny.

Why is an *ex post facto* law, passed by the legislature, unjust, unconstitutional, and void, while judge-made law, which, from its nature, must always be *ex post facto*, is not only to be obeyed, but applauded? Is it because judge-made law is essentially aristocratical? It is said, the judge only applies to the case the principles of common law which exist already; but the legislature applies to a whole class of cases the principles of common sense and justice, which exist already, and which have existed from a much more remote antiquity.

The common law sprung from the dark ages; the fountain of justice is the throne of the Deity. The common law is but the glimmering taper by which men groped their way through the palpable midnight in which learning, wit, and reason were almost extinguished; justice shines with the splendor of that fulness of light which beams from the Ineffable Presence. The common law had its beginning in time, and in the time of ignorance; justice is eternal, even with the eternity of the allwise and just Lawgiver and Judge. The common law had its origin in folly, barbarism, and feudality; justice is the irradiance of divine wisdom, divine truth, and the government of infinite benevolence. While the common law sheds no light, but rather darkness visible, that serves but to discover sights of woe, — justice rises, like the Sun of Righteousness, with healing on his wings, scatters the doubts that torture without end, dispels the mists of scholastic subtilty, and illuminates with the light that lighteth every man that cometh into the world. Older, nobler, clearer, and more glorious, then, is everlasting justice, than ambiguous, base-born, purblind, perishable common law. That which is older than the creation may indeed be extolled for its venerable age; but among created things, the argument from antiquity is a false criterion of worth. Sin and death are older than the common law; are they, therefore, to be preferred to it? The mortal transgression of Cain was anterior to the common law: does it therefore furnish a better precedent?

Judge-made law is *ex post facto* law, and therefore unjust. An act is not forbidden by the statute law, but it becomes by judicial decision a crime. A contract is intended and supposed to be valid, but it becomes void by judicial construction. The legislature could not effect this, for the Constitution forbids it. The judiciary shall not usurp legislative power, says the Bill of Rights: yet it not only usurps, but runs riot beyond the confines of legislative power.

Judge-made law is special legislation. The judge is human, and feels the bias which the coloring of the particular case gives. If he wishes to decide the next case differently, he has only to *distinguish*, and thereby make a new law. The legislature must act on general views, and prescribe at once for a whole class of cases.

No man can tell what the common law is; therefore it is not law: for a law is a rule of action; but a rule which is unknown can govern no man's conduct. Notwithstanding this, it has been called the perfection of human reason.

The common law is the perfection of human reason, — just as alcohol is the perfection of sugar. The subtle spirit of the common law is reason double distilled, till what was wholesome and nutritive becomes rank poison. Reason is sweet and pleasant to the unsophisticated intellect;

but this sublimated perversion of reason bewilders, and perplexes, and plunges its victims into mazes of error.

The judge makes law, by extorting from precedents something which they do not contain. He extends his precedents, which were themselves the extension of others, till, by this accommodating principle, a whole system of law is built up without the authority or interference of the legislator.

The judge labors to reconcile conflicting analogies, and to derive from them a rule to decide future cases. No one knows what the law is, *before* he lays it down; for it does not exist even in the breast of the judge. All the cases carried up to the tribunal of the last resort, are capable of being argued, or they would not be carried there. Those which are not carried up are not law, for the Supreme Court might decide them differently. Those which are carried up, argued, and decided, might have been decided differently, as will appear from the arguments. It is, therefore, often optional with the judge to incline the balance as he pleases. In forty per cent. of the cases carried up to a higher court, for a considerable term of years, terminating not long ago, the judgment was reversed. Almost any case, where there is any difference of opinion, may be decided either way, and plausible analogies found in the great storehouse of precedent to justify the decision. The law, then, is the final will or whim of the judge, after counsel for both parties have done their utmost to sway it to the one side or the other.

No man knows what the law is *after* the judge has decided it. Because, as the judge is careful not to decide any point which is not brought before him, he restricts his decision within the narrowest possible limits; and though the very next case that may arise may seem, to a superficial observer, and even upon a close inspection by an ordinary mind, to be precisely similar to the last, yet the ingenuity of a thorough-bred lawyer may detect some unsuspected shade of difference, upon which an opposite decision may be founded. Great part of the skill of a judge consists in avoiding the direct consequences of a rule, by ingenious expedients and distinctions, whenever the rule would operate absurdly: and as an ancient maxim may be evaded, but must not be annulled, the whole system has been gradually rendered a labyrinth of apparent contradictions, reconciled by legal adroitness.

Statutes, enacted by the legislature, speak the public voice. Legislators, with us, are not only chosen because they possess the public confidence, but after their election, they are strongly influenced by public feeling. They must sympathize with the public, and express its will: should they fail to do so, the next year witnesses their removal from office, and others are selected to be the organs of the popular sentiment.

The older portions of the common law are the work of judges, who held their places during the good pleasure of the king, and of course decided the law so as to suit the pleasure of the king. In feudal times, it was made up of feudal principles, warped, to be sure, according to the king's necessities. Judges now are appointed by the executive, and hold their offices during good behavior, — that is, for life, and are consequently out of the reach of popular influence. They are sworn to administer common law as it came down from the dark ages, excepting what has been repealed by the Constitution and the statutes, which exception they are always careful to reduce to the narrowest possible limits. With them, wrong is right, if wrong has existed from time immemorial: precedents are every thing: the spirit of the age is nothing. And suppose the judge prefers the common law to the Constitutions of the State and of the Union; or decides in defiance of a statute; what is the remedy? An astute argument is always as hand to reconcile the open violation of that instrument with the express letter of the Constitution, as in the case of the United States Bank, — or to prove an obnoxious statute unconstitutional, as would have happened in the case of the Warren Bridge, but for the firmness of Judge Morton. Impeachment is a bugbear, which has lost its terrors. We must have democratic governors, who will appoint democratic judges, and the whole body of the law must be codified.

It is said, that where a chain of precedents is found running back to a remote antiquity, it may be presumed that they originated in a statute which, through lapse of time, has perished. Unparalleled presumption this! To suppose the legislation of a barbarous age richer and more comprehensive than our own. It was without doubt a thousand times more barren. But what if there were such statutes? The specimens which have survived do not impress us with a favorable opinion of those that may have been lost. Crudely conceived, savage in their spirit, vague, indeterminate, and unlimited in their terms, and incoherent when regarded as parts of a system, the remains of ancient legislation are of little use at present, and what is lost was probably still more worthless. If such laws were now to be found in our statute book, they would be repealed at once; the innumerable judicial constructions which they might have received would not save them. Why then should supposed statutes, which probably never had any but an imaginary existence, which if they ever existed were the rude work of barbarians, which cannot now be ascertained, and if they could be, would be despised and rejected as bad in themselves, and worse for our situation and circumstances, — why should such supposed statutes govern, in the nineteenth century, the civilized and intelligent freemen of Massachusetts?

These objections to the common law have a peculiar force in America, because the rapidly advancing state of our country is continually presenting new cases for the decision of the judges; and by determining these as they arise, the bench takes for its share more than half of our legislation, notwithstanding the express provisions of the Constitution that the judiciary shall not usurp the functions of the legislature. If a common law system could be tolerable anywhere, it is only where every thing is stationary. With us, it is subversive of the fundamental principles of a free government, because it deposits in the same hands the power of first making the general laws, and then applying them to individual cases; powers distinct in their nature, and which ought to be jealously separated.

But even in England, common law is only a part of a system, which, as a whole, would be incomplete without *equity*. We strive to make the part supply the place of the whole. Equity is the correction of that wherein the law by reason of its generality is deficient; yet we have taken the law, deficient as it confessedly is, without the correction, except in certain cases, where by degrees, and almost without the knowledge of the people, equity powers have been given to the courts. A court of chancery would not be tolerated here, for reasons which I have not time to enter upon; and without that adjunct, the common law system would not be tolerated in England. The remedy is to fuse both into one mass, adopting such principles of equity as are really necessary, simplifying the whole, enacting the result in the form of statutes, and, from time to time, supplying defects and omissions, as they are discovered. It is hardly necessary to observe, that in doing this, opportunity should be taken to reform and remodel the great body of the law, which stands in need of such a revision more than any other science. Some immense advances, it is true, have been made within the last two years, of which the total abolition of special pleading is not the least remarkable. But instead of being satisfied with what has been gained, it should only encourage us to step forward more boldly in what remains to do. All American law must be statute law.

In our State policy, the principles of civil and religious freedom are the only sure foundation to build on. Existing laws grossly inconsistent with these principles should be repealed. The democracy of the State have already struggled hard to repeal them. They have had some success, and hope for more.

In our national policy, free trade, no bank, no debt, light taxes, and an economical government are the American doctrines. The government must be confined within its proper sphere; the supply of a sound currency free from fluctuations, the care of our foreign relations, the defence of the national honor, and the preservation of the Union. It should be restricted within the narrowest constitutional limits, and where any power is doubtful, it should not be exercised.

The leading idea of the American policy is freedom. The sole purpose of government is to prevent the rights of the citizen from being infringed or encroached upon. Every man should be left in the full enjoyment of his natural liberty, so long as he does not thereby interfere with any of the natural rights of his neighbor. When he invades the hallowed boundary of another's rights, then the government should put forth its strong arm to protect them: but so long as he refrains from any such invasion, an American citizen may claim, as his birth-right, perfect and unrestrained liberty of action. Within these limits, where-ever his interests, wherever his inclination may lead him, he may take his own course, and government has no right to place in his path the very slightest impediment. He may rove free as the free air which he breathes, calling no man his master, acknowledging no power above him but in heaven, subject to no other restraint but the obligations of virtue and the dictates of conscience and honor, unshackled by arbitrary, vexatious, and galling restrictions, untrammelled by human legislation, so long as he obeys the guidance of an enlightened monitor within. For him the whole object of government is negative. It is to remove, and keep out of his way all obstacles to his natural freedom of action. So long as it performs this duty, he cheerfully contributes towards its support. If it fails in the performance, he sets his shoulder to the wheel to bring about the requisite reform: he removes the inefficient, or incompetent, or unfaithful agents, and substitutes in their place those who understand and will take care to effect the object of their appointment. But if his agents have exceeded their commission; if the power intrusted to them, to guard and to protect his liberty, has been employed insidiously to steal from his possession, or forcibly to wrest from his grasp that liberty, then indeed he no longer lives under a free government, but under a despotism; and it should be his nightly prayer and daily endeavor to burst asunder the chains it will fasten around him before they are riveted too strongly to be broken. I want no government to prescribe to me when, and where, and how I may enjoy my natural rights. That is my own affair. I only ask the government to stand by, a watchful sentinel, a mighty guardian, to take care that I am not interrupted in the enjoyment of them. It should be our presiding genius, ever near us and around us, to avert all evil from us: covering us with the broad ægis of its protection, yet at the same time, unseen, unfelt, unknown, leaving us with our unrestricted energies to work out, in our own way, our own highest happiness.*

It is in these particulars, features indeed more striking than any other, that our constitutions are peculiarly American and purely democratic. The great dividing line between our parties originally was, generally has been, and for the most part will be, between the friends of arbitrary power on the one hand, and the friends of constitutional freedom on the other, — between those who wish, by wholesome limitations originally imposed, and by a strict construction of them, to confine governments to the few objects which have been specified, and to leave the people otherwise individually free to govern themselves, and those, who, by a lavish grant of power originally, and a broad latitude of interpretation, and a free use of implication afterwards, would enable the government to control and regulate every action, and would make it, in fine, a mere engine for the aggrandizement of the few at the expense of the many, like every other government upon the face of the globe. The first constitute the democratic or constitutional party, — the latter are the aristocratic or consolidationist party, who seem to be governed by British rather than American principles.

The aristocratic party seem never to have abandoned the doctrine that the people could not safely be trusted with political power. They consider the popular will too sandy a foundation to uphold the structure of government. For this reason, after failing in the attempt to establish a government whose leading features should be a president to serve during good behavior, — a senate to serve during good behavior, and to have the sole power of declaring war, — the governor of each State to be appointed by the federal head and to have a negative on the laws of the State, — they set about building a consolidated government under the forms of a democratic Constitution. In many respects the attempt has been alarmingly successful. One who observes the little consideration which the States now command, and how completely the central government absorbs and draws into its vortex every interest and all ambition, cannot but feel some misgivings lest the States may have committed the same fatal error in consenting to the federal government, which the forest committed in giving the axe wood enough to furnish a handle. Such misgivings would have been but too well founded had not the Roman energy of Andrew Jackson arrested, before it was too late, the progress of consolidation, and redressed the wrongs of the violated Constitution.

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* The nature and purpose of government are discussed much more at large in a report on the subject of Capital Punishment, made in the House of Representatives of Massachusetts, February 22d, 1836, printed as document of the House No. 32, from the eighth to the thirtieth page. In several of the above paragraphs free use has been made of the discussion in that report, to which the reader is referred.

The original plan of the consolidationists was an elective monarch, with elective lords, appointing their lieutenants in the provinces. Such a scheme differed more in name than in principle from the British monarchy. After the failure of that scheme, it was natural that its author, and the other friends of a strong government, when contriving how to fortify and enlarge the federal powers so as to overawe, and to hold the people in subjection, should still continue to copy after British models. The first auxiliary institution to prop up the fabric of an energetic government was a copy of the bank of England. In 1693, the whigs of Great Britain patronized a scheme for a national bank, which they promised should be fruitful of vast advantages of every conceivable description. A strong party affirmed,* that it would become a monopoly, be subservient to government views, be employed to the worst purposes of arbitrary power, produce a swarm of brokers and jobbers to prey upon their fellow-creatures, encourage fraud, and gaming, and corrupt the morals of the nation. The short-sighted and selfish William, then tenant of the British throne, affixed his signature to the charter. The predictions of its opponents were fulfilled to the letter. None of those splendid promises which ushered in the magnificent delusion were ever realized. The evils which were apprehended followed, in a lengthened and gloomy train; and Great Britain is still smarting under their effects, which will not cease to plague her so long as her fast-anchored island shall remain the seat of an independent empire. That mammoth monoply, so diametrically opposed to the spirit of our institutions, the United States bank, is the legitimate progeny of its transatlantic prototype. Like that, it has performed none of the many promises it made to the people. It is now sinking under the weight of that universal odium which its multiplied and aggravated offences have justly brought down upon it. It is now about to receive the just reward for all its transgressions, — the wages of its sin will be its death. Wickedness may prosper for awhile, but justice will overtake it at last. In the nature of events, and in the wise ordination of Providence, crime, whether secret or in high places, brings after it necessarily, though sometimes slowly, its own appropriate retribution. The scarlet mother of corruption, who so long sat secure within her marble palace, in vain looked to be exempted from this universal law. The gilded Juggernaut that drove, as it were but yesterday, her cruel car over prostrate and groaning misery, to grind the poor man to powder, and overwhelm us with the double curse of want and slavery, that, when she had withered and blasted far and wide with her pestilential breath, she might tower supreme amid the desolation she had made, is soon to be hurled from her lofty throne, and trampled, in her turn, in the dust where she crushed her victims.

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* Continuation of Hume by Smollet.

Assyria fell beneath the rod of Divine wrath. Rome — guilty Rome — saw an avenging world overrun, and dismember, and extinguish her empire. Mammon, with his paper dynasty, is doomed like these to fall, never again to lift his horrid head, — more fatal to liberty than Moloch, — more hateful to the sight of men than the brand on the forehead of Cain.

Yes, Mammon is dethroned, and shall be banished from our borders, amidst the exulting shouts and anthems of the free. Bitter is the taunt with which millions mock the paralyzed and powerless monster. "How art thou fallen, O Lucifer, son of the morning! How art thou brought low, thou that didst trouble the nations!"

The bank whose death-warrant has been signed by Andrew Jackson, was only one, though indeed the first and mightiest, of those British engines of influence which were transplanted to supply the supposed deficiencies of our own Constitution, and to accumulate power in the hands that could wield them. A splendid system of consolidated government, copied *in all its prominent features* from the practice of the British government, was devised, which held up glittering prizes for ambition, and was calculated to enlist in the service of the leaders all the wealth and all the talent in the nation, that was not restrained by principle. It was the conspiracy of avarice against liberty, a system of partial privileges, partial taxes, and universal restrictions.

The highest democratic authority in America, fully sustains this view of the whig policy. Thomas Jefferson thus characterized it in a letter to William B. Giles. *Consolidation* opens with a vast accession of strength from their younger recruits, who having nothing in them of the principles of '76, now look to a splendid government of an aristocracy, — riding and ruling over the plundered ploughman, and beggared yeomanry. This will be to them a next best blessing to the *monarchy of their first aim*, and perhaps the surest stepping stone to it. I see as you do, says the venerable patriarch, and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers foreign and domestic; and that too by constructions which, if legitimate, leave no limits to their power. It is but too evident, that the three ruling branches of the federal department are in a combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions, foreign and domestic. "*And what,*" he exclaims, — "*is our resource for the preservation of the Constitution?* Reason and argument? You might as well reason with the marble columns encircling them!"

There was but one resource for the preservation of the Constitution, and that was an energetic, democratic chief magistrate. Providence, which in great perils raises up great deliverers, has given us the man. He has fulfilled his destiny, and routed the consolidationists as effectually as he did their British friends at New Orleans.

To return to the character of the whig or British party. We need not resort to democratic authority to learn what was the original distinction of sentiment, I do not say between every member of the two great parties, but between the leaders; a distinction which still continues the same. The late Rufus King, before he resigned his seat in the senate, asserted in a very remarkable speech which he delivered, that the people would never have adopted the federal Constitution if they could have imagined the extent of power that would be claimed and assumed under it. This assertion every impartial reader of our history knows to be undeniably true. James A. Bayard, in 1804, declared, that the question between the two parties was by no means the executive power, which he was not disposed to enlarge, but what amount of power should be given to the federal government, and how much left to the States. It may be demonstrated from history that this view also was correct. Chief Justice Marshall tells us that the bank was the rock on which our parties split; a fact perfectly consistent with, and no more to be doubted than the preceding. Gouverneur Morris, hearing some one speak favorably of the new Constitution, answered that that was according as it might be construed; an answer pregnant with meaning, when we consider the high-toned politics of the man, — a true whig as we were assured on the 3d of July last, by the Salem Gazette, the highest whig authority in Essex. In 1811, while Henry Clay was yet a democrat, he believed, and justly too, that the recharter of the United States bank, upon the ground of precedent, would make our Constitution, "as diffused and intangible as the pretended Constitution of England." He probably still holds the same opinion; and for this reason doubtless among others, he has been, ever since his apostasy, one of the most zealous advocates of the recharter of that institution upon a much grander scale than was proposed in 1811.

The whig *champion of the Constitution*, Daniel Webster, explained to the world his notions of the nature of government, in his speech in the Massachusetts Convention *against basing the senate on population, and* *in favor of the basis of wealth.* "It would seem," said that gentleman, "to be the part of political wisdom *to found government on property*,"* —"property being the true basis and measure of power." He maintains that a government founded on property, is legitimately founded, and that a government founded on the disregard of property, *is founded in injustice.* These purely British notions come quite up to Mr. Jefferson's idea of the "splendid government of an aristocracy." Such a government would be very certain to *take care of the rich*, and let the rich take care of the poor, in whatever way might suit their own interest. No wonder that a statesman holding such principles should desire to build up our House of Lords into an irresponsible oligarchy, capable of controlling every other branch of the government. No wonder that he should look with peculiar favor upon every British feature in our institutions, and that he should aim especially to make *a national bank* the main pillar of that government, which he thinks it "the part of political wisdom *to found on property*." The candidate of our Boston politicians should adopt for his motto the British maxim, "Liberty and Property!" It would be the most plausible version of his creed, and make an admirable rallying cry for those friends of a consolidated *national* republic, who after so many discomfitures have folded up their tattered banners, whose broken ranks were marshalled under the bank flag only to be routed worse than ever, and who had exhausted the American vocabulary before they sheltered their British principles under a British name. "The immortal spirit of the wood-nymph *liberty dwells only in the British oak*," said *Fisher Ames*, whose opinions must have coincided very nearly, one would think, with those quoted from the Boston candidate. Alexander Hamilton pronounced the British government, *with all its corruptions*, to be the best government ever established by the wisdom of man. A whig orator of some reputation, while addressing an assembly of the man-worshippers of the city, dared to profane Faneuil Hall —the cradle of Liberty—with the sentiment, that "this government *as now administered*, is the worst government that God ever suffered to exist on the face of the earth!" A party that believes the British government, with all its corruptions, to be the best, and our own government, under a democratic administration, to be the worst of all possible governments, must be British to the core, and deserves a British name. Every member of such a party might respond cordially to the exclamation of Tristam Burges, the whig leader of a neighboring State, "I thank my God heartily that I am not a democrat, nor do I wish ever to be one!"

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* See Journal of Debates, page 143.

The democratic party, on the other hand, holds fast those purely American principles which have already been described. Again and again have they been put forward as our distinguishing doctrines, and it is upon the faithfulness with which they have supported and applied these doctrines, that those who stand foremost in our ranks must rest their claims to public confidence. As no man has practically illustrated this creed more consistently or with happier effect than our present chief magistrate, so no man has given the theory a more beautiful expression. "The ambition which leads me on"— these were the words of that venerated patriot, uttered upon a memorable occasion, with that noble frankness which only conscious rectitude could insure — "the ambition which leads me on, is an anxious desire and a fixed determination to return to the people, unimpaired, the sacred trust they have committed to my charge, — to heal the wounds of the Constitution and preserve it from further violation; to persuade my countrymen, so far as I may, that it is not in a splendid government, supported by powerful monopolies and aristocratic establishments, that they will find happiness or their liberties protection, but in a plain system, void of pomp, — protecting all and granting favors to none, — dispensing its blessings like the dews of heaven, unseen and unfelt save in the freshness and beauty they contribute to produce. If the Almighty Being, who has hitherto sustained and protected me, will but vouchsafe to make my feeble powers instrumental to such a result, I shall anticipate with pleasure the place to be assigned me in the history of my country, and die contented with the belief that I have contributed, in some small degree, to increase the value and prolong the duration of American liberty."

To increase the value and prolong the duration of American liberty, there are three essential requisites, — a strict observance of its sacred charter, the Constitution, the supremacy of the laws under the Constitution, and the preservation of the federal union. If the Constitution should be violated by the adoption of the whig policy of plundering the many to pamper the few, consolidation would either bring on the dead calm of despotism, or provoke a tempest of resistance, ending in nullification and revolution. If the laws may with impunity be set at defiance, either by a corporation exalting itself above law, and gathering its strength to break down our constituted authorities; or by a band of factious demagogues, disappointed, revengeful, and disorganizing; or by seditious mobs instigated to violence and outrage by the incendiary harangues of the Catilines who preach panic, create distress, and cry to arms, because they would willingly welcome war, pestilence, and famine, rather than endure the prevalence of democracy, — in either case, anarchy, misrule, and civil discord would stalk through the land. If bold bad men, struggling to pull down the virtue they cannot rise to emulate, should burst asunder the bands of our national union, the days of our independence would soon be numbered, and liberty could not hope to survive. These three fundamental truths, the President, in his usual comprehensive and emphatic language, has condensed into an aphorism, — "*The Constitution and the Laws are supreme, and the Union indissoluble.*"

This grand and simple annunciation of democratic doctrine would have been a mere form of words without meaning, if their author had not redressed the first and most fearful infraction of the Constitution. The duty of the administration, as to this point, was fully expressed in the sentiment of Mr. Van Buren, — "Unqualified and uncompromising opposition to the Bank of the United States, — the interest and the honor of the people demand it."

No one that knew the bold heart and the firm hand that guided the helm of State could doubt for a moment that the interest and the honor of the people were safe. The opinion of the early friend of Washington, the adopted child of America, the apostle of universal liberty, the lamented of both worlds, *the great and good Lafayette*, was also the opinion of the democrats of America, as two hundred and nineteen electoral votes bestowed upon the author of the bank veto, against the forty-nine votes of the bank or whig party, may amply testify. The illustrious worthy to whose opinion I have just alluded, shortly before he closed his sublunary pilgrimage, and went joyfully to receive the reward of a long life of suffering, toil and virtue, expressed himself in words which ought to be forever remembered. I quote them, because they cannot be repeated too often, and because this occasion ought not to pass without recalling freshly to our recollection the sainted memory of Lafayette, by presenting to our minds some one, at least, of his recorded acts or sayings most worthy of the man.

"General Jackson is the very man fitted for the present crisis," said that keen, judicious, and experienced observer of human character. "His stern and uncompromising republicanism, and high sense of honor, will prove the best security for our republican institutions (for he calls every thing American his own). For a long time I saw with pain the advances of an aristocratic moneyed institution, which threatened to cast a poisonous mildew over our precious liberties. They would have rendered our fair country a passive instrument in their hands, in which case freedom would have vanished from among us. General Jackson possesses the honesty of a Regulus, the patriotism of a Washington, and the firmness of a Timoleon, — in fact, I am unacquainted with any character in ancient or modern history, which combines so much excellence with so few of the errors of humanity."

Such was the reliance of the wise Lafayette upon the hero who, before the battle of New Orleans, possessed "the unbounded confidence and expectation of the nation," which confidence he carried with him into his contest with the bank. The event showed that his sagacity was not deceived. The United States Bank, having been chartered in defiance of the Constitution, had become the most formidable foe of our liberties, and put forward pretensions which amounted to a claim to perpetuity. It took the field openly, and used the people's money to electioneer against the president of the people's choice. It did all that money could do. It bought the venal, cajoled or intimidated the weak, and deceived the simple. After the veto had inflicted a wound that will finally prove mortal, it contracted with the convulsive energy of despair. That vile monopoly was locking in its vaults every dollar it could grasp, and pressing with gigantic strength to break the safety fund banks, to break the merchants, to prostrate credit, and to lay the enterprise and prosperity of the country in ruins, that it might rebuild its own hated power on its only possible foundation hereafter, *universal ruin.* Then it was that the president, taking upon himself the responsibility, stepped in and stayed the wave of desolation before it could sweep over and ingulf all in common destruction, and annihilate at once all means and hope of future resistance or relief. He did this by enabling the local banks to discount many millions without delay, at the points of greatest pressure, in the very crisis of the distress. The movement was decisive,—it saved the country, and filled full the measure of the hero's glory. It is enough for one man that his administration has enlarged our commerce, recovered our claims, vindicated our honor, redeemed our Constitution from repeated violations, preserved the Union from threatened dissolution, preserved property and credit from universal prostration, preserved liberty from universal subjection, preserved equality from the despotic reign of paper wealth condensed into one vast monopoly, whose central throne is in a marble palace, but whose fangs reach everywhere, grasping, controlling, subduing, overruling all.

From foul oppression and from Mammon's ban,
Who hath redeemed aspersed democracy?
King-loathed Columbia's brave and wise old man.
Rejoice, oh world! God said, let Jackson be,
And at his feet died swoln monopoly.
Rejoice! His triumph saves no single State,
But every State. It bids all lands be free.
Lone Washington! Another, good and great,
Hath earned a deathless name, and every villain's hate.

The burning vehemence of poetical inspiration has branded the enemy of the patriot with a harsh epithet. We may rejoice in the conviction, however, that there are none of those villains anywhere in Massachusetts: most assuredly, my friends, there cannot be. Some of us may judge of this from the evidence of our own senses. With our own eyes, we saw the aristocracy of the city of Boston welcome the old hero with the homage of the heart, — for it could not have been all mere lip service. We heard them send up the universal shout that almost rent the blue concave. We saw them thronging his antechamber, — besieging his bedchamber, — scarcely leaving uninvaded his refuge on the couch of sickness, — so eager were they to pour into his ear the testimony of their respect, their gratitude, and their love. Our ancient university of Harvard bestowed her highest honors upon her illustrious visitor, thereby honoring herself more than she honored him. And at Bunker Hill, the scene of the first great battle in the long struggle with British power, which he himself had closed so gloriously at New Orleans, one of our most eloquent orators exhausted the language of panegyric to do justice to his virtues and his valor, for which appropriate tribute, in conjunction with his other merits, the orator has been nominated and elected by the lately dominant party in the Commonwealth to the office of governor. Oh, no, gentlemen! King-loathed Columbia's brave and wise old man cannot have earned the hatred of any citizen of Massachusetts. We have no bold, bad men, — no senators, like Catiline the Roman senator when he aspired to the consulship, striving to pull down the virtue they cannot rise to emulate. Thousands witnessed the affection, it might almost be said the adoration, which the whigs of Boston manifested in 1833, for the defender and restorer of the Constitution, and since that time he has done much, very much to strengthen their devotion, having prostrated that deadly enemy whom we most hated and feared, the United States Bank monopoly. Nobody, therefore, within the sound of my voice, even if it could reach the limits of the State, can possible entertain any ill will towards our democratic president; and the lines quoted cannot have any personal bearing: so at least we would fain believe.

But their bearing upon the comparison between the democratic, American, independent policy, and the aristocratic, British, or whig policy, and the distinguished merit of the most prominent champion of American principles, is quite direct enough to justify the quotation. It might not be proper, in this place and on this occasion, to express, even if it were altogether charitable to entertain the belief, the opinion avowed by the great statesman of New England, so long the acknowledged head and leader of the party in opposition to which the present administration came into power. That gentleman, lately president of the United States, with the concurrence, if not with the positive good will of the whigs of Massachusetts, has told us what he thinks of the party, "so rotten with the corruption of both its elements." He bears testimony, and he ought to know, for he has the most intimate familiarity with their designs and views, and with their whole history, that "they have no honest principle to keep them together." "Their only cement is a sympathy of *hatred* to every man of purer principles than themselves." It is to be hoped that this sweeping condemnation may be far from universally applicable, notwithstanding the almost irresistible weight of authority with which it comes to us. Yet the sentiment of hatred may have been, it would almost seem must have been engendered in the hearts of many who have found their interests, involved in special legislation, sacrificed without scruple to the general welfare, by the unflinching firmness with which our hero maintained the great contest between swoln monopoly and exclusive privileges on the one hand, and aspersed democracy with equal rights on the other. In many hearts, too, envy rankles; for the success with which he came out of that critical contest stung to the quick those who looked enviously on his former fame; and, alas for human nature! they were but too numerous, the more so as his glory was more dazzling.

> He who ascends to mountain tops, shall find
> The loftiest peaks most wrapt in clouds and snow;
> He who surpasses or subdues mankind,
> Must look down on the HATE of those below.
> Though high *above* the sun of glory glow,
> And far *beneath* the earth and ocean spread,
> *Round* him are icy rocks, and loudly blow
> Contending tempests on his naked head,
> And thus reward the toils which to those summits led.

Can it be, my countrymen, that there is any one among us who would tarnish the splendor of the nation's brightest jewels, who would blot out the proudest pages from our annals, and recompense with scorn and contumely services which applause and honor cannot adequately reward? There is but too much cause to apprehend it. Envy, which stands by the urn of the great man, ages after he has gone, stirring his ashes with her poisoned dagger, — Envy, which never ceased to revile the illustrious Jefferson while alive, and which has never ceased to water his grave with the wormwood and gall of calumnious falsehood, — Envy could not spare, whom Providence has spared, to be the last survivor of a noble race, our last Roman, — Envy could not suffer to go down in peace to his final resting-place, the time honored head of him "who filled the measure of his country's glory."

Is it credible, you ask, that there crawls upon the surface of the earth a wretch capable of entertaining so despicable a sentiment?

We have too much evidence that there are many: evidence which we would, but cannot, forget. There is no word or act of the hero's life that has not been misrepresented, — no dazzling achievement of his that has not been depreciated, — no grand and original measure of a bold and wise policy that has not been received with rancorous invective, — no benefit, no blessing bestowed at his hands, but it has rankled in the breast of black ingratitude, till derision of disinterestedness and hatred of all good have burst out in loud and bitter curses. Nothing that bears his honorable name, but the mention of it ministers occasion for jeering and for imprecation. No lifeless block that is carved into the likeness of his venerable features, can be secure, for a moment, from insult and outrage, even here in sober New England.

Do we live in a Christian land? Are those who originate and countenance such speech, and such behavior, civilized and educated men, members of a party laying claim to *all the decency?* Is this the gratitude of republics?

The sole purpose of government is the good of the whole people, and the gratitude and love of the people will reward him whom the enmity of the few would in vain strive to load with dishonor. He has fought the good fight faithfully, and let the disappointed and the envious detractors say what they may, fifteen millions of freemen have already awarded to him the meed of an undying fame.

My friends, the conflict which we have hitherto carried on victoriously under his auspices, is still to be continued; and soon other leaders must be placed in the van. Perpetual vigilance is the price of liberty. Let no neglect of ours forfeit the rich inheritance. In union there is strength. Let us march shoulder to shoulder to the decisive onset. Let us present to the foes of the democratic cause, a concentrated, and therefore a formidable front.

In our candidate for the first office in the gift of the people, we can have nothing more to desire. The distinguished son of the Empire State is the adopted favorite of the whole Union. The arrows of his assailants have fallen harmless at his feet, and our clear-sighted yeomanry do justice to the leading traits of his well balanced character.

To form a perfect statesman, the knowledge of history, the wisdom of experience, and the inspiration of genius must combine to illuminate his understanding; while courage to dare, and fortitude to suffer in the cause of humanity, must arm him with an impenetrable panoply for that warfare against the common enemies of our race, to which a generous philanthropy will incessantly impel him. In which of these requisites does not Martin Van Buren excel?

"Who," said Mr. Wilde of Georgia, no partial witness, — "who was a more dexterous debater; better versed in the politics of our country; or deeper read in the history of others; above all, who was more thoroughly imbued with the idiom of the English language, and its beauty, and delicacy, or more capable of breathing thoughts of flame in words of magic, and tones of silver?"

From the momentous crisis of the war to this day, holding the most important trusts, and filling the most responsible stations, in State and nation, in a continued, though varied career of active and arduous duty, who can have reaped a richer harvest of experience?

At the outset of his public life, he stepped at once into the front rank of the New York bar, where the Spencers, Kents, and Livingstons, and Hamilton had established the standard of talent. At the time which tried men's souls, the darkest period of the war, on his first entrance to the senate of that State, he, a youth, gave the efficient impulse to that body. Mounting to higher theatres of fame, in every part he is called to act, he distances all rivalship. When his enemies look for his eclipse and downfall, they behold him shining brighter, and soaring higher, with the brilliancy of transcendent intellect, and the buoyancy of paramount merit. His intrigues the service of the people, his arts the faithful performance of duty, he has run rapidly through a series of promotion, shedding lustre on every post he occupies. Who can exhibit proofs more unequivocal of genius of the highest order?

In the legislature, the senate, the cabinet, through the war, the great northern defection, and the struggle for the renewed ascendancy of democratic principles, through the death grapple with the moneyed power, the courage he has manifested cannot be called in question; neither can the fortitude with which he smiles upon the systematic detraction, virulent beyond example except in the history of Jefferson and Jackson, by which he has been tried as by fire, but under which no man ever saw him quail or waver.

"Uncompromising hostility to the United States bank, the interest and the honor of the people demand it," has been the maxim of his faith and practice. We have, with his express pledge, the guaranty of his uniform course, from his first entrance upon the political arena, that he will follow in the footsteps of Andrew Jackson.

In politics, men are put forward to represent principles, and to effect the will of the masses. Let us elevate Martin Van Buren to the chair of State, that we may not only maintain the ground we have gained already, but during his presidency, soon about to open so auspiciously, eradicate from our system and institutions, every vestige of foreign policy, introduced by servile imitation, and discordantly combined with the original home growth of freedom, only to mar its simplicity and unity.

When this, his destined work, shall have been fully accomplished, and his high mission performed to the end, then may we celebrate without misgivings the fourth of July; for then shall we have secured the permanent stability of American liberty. Then may we exult in the assurance that independence is ours forever.

EXTRACTS FROM AN ORATION.*

Our independence was desirable not for its own sake merely; tyranny at home would have been little better than tyranny from abroad; it was to be desired and valued as the means of securing the undisturbed enjoyment of law and liberty, both of which had been invaded by Great Britain. It is the sagacious remark of Hume, the philosophical historian, that the complicated machinery of the British government, the king, the lords, the commons, the army and navy, the public institutions, the great officers of state, are all established for the purpose of bringing twelve men together into a jury box. If it be considered that government is not instituted to confer rights or privileges on any man or class of men, but to hold, with an equal hand, the balance between the citizens, this truth will appear as striking as it is profound. Rights, according to the creed of American democracy, existed before government, and are perfect without its sanction. All men are born free and equal, says the Constitution of Massachusetts, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness. Privileges, according to the same authority, belong to none. No man nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges distinct from those of the community, than what arises from the consideration of services rendered to the public, a title from its nature not hereditary. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men. The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life.

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* Delivered at Lenox, before the citizens of Berkshire county, on the fourth of July, 1838.

We hold these truths to be self-evident, says the declaration, that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. From these maxims may be deduced the paramount importance of a pure and impartial administration of justice, under equal and wholesome laws for the protection of property, life, and liberty, which protection is the whole office and purpose of government. Thus law and liberty are happily blended in one object, for the law only enforces such restrictions on the liberty of every man, as will prevent him from interfering with and infringing upon the rights of another, and it thereby enables each to enjoy the largest possible portion of liberty consistent with a like enjoyment by others. Law, therefore, regulated on democratical principles, does not diminish, but augments to the utmost, the aggregate of practical liberty in the community.

The repeated injuries and usurpations alleged in the declaration, as constituting the necessity which constrained them to throw off the yoke of Great Britain, consist mainly of infractions of the right of domestic legislation, invasions of liberty by arbitrary legislation extended over us from abroad, and perversions of the free exercise of the judicial authority. Under each head, the specifications are abundant. It is charged upon King George that he has refused his assent to laws the most wholesome and necessary for the public good, and in various ways harassed the legislatures and impeded their action; that he has combined with parliament in tyrannical acts of pretended legislation, to cut off the trade of the provinces, tax them without their consent, take away their charters, abolish their best laws, and alter fundamentally their forms of government; that he has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers, has created judges solely dependent on his will, has abrogated, in many cases, the trial by jury, and transported citizens beyond the seas for trial; and that he has supported this long train of abuses by waging war against the colonies, with large armies of foreign mercenaries, and answered repeated petitions for redress only by repeated injury. These were the practical grievances, a formidable catalogue it must be confessed, which absolved the colonies from all allegiance to the British crown.

The maximum of liberty to be enjoyed under the protection of law can only be secured by establishing and maintaining good governments, such as are opposite equally to the fatal extremes of anarchy and despotism. Our independence has given us the opportunity of trying the experiment of such a government on a broad scale, and under the most favorable circumstances.

Governments represent the elements of power existing in society previously to their formation. Physical force, intellectual superiority, moral influence, and the power of wealth, each claims its share in the control of the body politic. As one or the other of these ingredients has predominated, governments have assumed the form of military despotism, hierarchy, feudalism, or plutocracy.

These different forms of government, and various combinations, compounded of them, have succeeded each other according to the laws that govern the distribution of knowledge and wealth, and so must forever continue to alternate, whenever the people have not advanced to that degree of social elevation requisite to the condition of fitness for the enjoyment of democracy. The crown, the mitre, the sword, and the money-bag have had their turns; and looking back through the obscure history of long extinguished freedom, we can but dimly discern, and that for a few short intervals, the appearance on the stage of any other power, as a *controlling* power, until the breaking out of the American and French revolutions.

Governments cannot be created out of nothing. To be healthy and robust, they must grow with the growth and strengthen with the strength of the societies over which they preside. They gradually develop themselves in fit proportions for their several functions, like the development of the body, joints, and limbs of an animal, or the trunk, roots, and branches of the most magnificent tree.

The over-shadowing oak,
The gnarled and knotted sovereign of the forest,
The tardy growth of twice two centuries,

That throws about its Briarean arms,
Protecting all the neighboring underwood,
Daring heaven's shafts alone.

can be rivalled by no plant of the hot-bed, much less can it be made to spring perfect and mature from the crucibles and alembics of the political alchemist.

The mission of the French revolution was a work of destruction, and it was faithfully performed. Sudden and convulsive efforts may level the tottering fabrics that encumber the ground. They may destroy, but they cannot re-create. Permanent institutions must be the product of time.

In our own revolution, nothing more was necessary than to cast off the foreign yoke. All the elements of good government already existed among us. The little democratic corporations, the towns, managed their own municipal concerns, and bred up in the best of schools practical statesmen for a wider sphere of action. The ancient county organization provided for many matters beyond the reach of towns, but not requiring the intervention of the State. Public worship, and common education, had each their own complete arrangements. The people knew the respect and confidence due to an independent judiciary, and were familiar with the operation of the jury trial, their birthright as Englishmen, as also with the writ of *habeas corpus*, and all the grand securities of British liberty. They had their own legislative assemblies, and had only to substitute an executive chosen by their votes for the royal governor, and the machinery of State administration continued in working order. The Constitution of the Federal Union was not framed until the want of it was felt. It then innovated upon the previously existing structure of government no further than the generally recognized necessity demanded; it was the result of great deliberation and careful compromise, and was curiously adjusted to existing influences and interests.

Our American constitutions are the first in the world which deserve the name of democratic, being the first that were ever founded on the basis of strict equality. Fortunately, they could not well be otherwise, for there was nothing but equality in the condition of the people on which they could be founded.

To this general rule there were a few exceptions, most of which, however, have already disappeared. Such was the mode of electing the senate of the State of Maryland, until the recent alteration. Such also is the limitation of the right of suffrage in Rhode Island.

There still remains in the Constitution of the Commonwealth of Massachusetts one singular anomaly, strikingly at variance with the spirit of our institutions; I mean the basis of our senate on wealth, and not on population. Our aristocrats cling to this peculiarity with the fondest affection, because it is the last relic of exploded privilege left in our otherwise equal system. Those who hold the democratic faith have long been desirous of a change in this respect, for, in their opinion, the present basis of the senate is unequal and unjust in practice, and still more so in theory. They believe in the first article of the Bill of Rights, prefixed to our State Constitution, — "All men are born free and equal;" and they therefore believe that all free citizens of this Commonwealth, who have not by crime forfeited their birthright, have a perfect and undeniable right to be equally represented in every branch of their own government. They believe also in the fifth article of the Bill of Rights, that "All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them." And they can find no reason why a man born in one section of this Commonwealth should have many times more influence than the same man would have had living in another, in the selection of an essential part of those substitutes and agents. They believe in the sixth article of the Bill of Rights, that "no man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public;" and they are not aware of any services rendered to the public by certain sections of this Commonwealth which could give them the title to obtain the advantage, and the particular and exclusive privilege, distinct from those of the rest of the community, of a disproportionate additional representation in the senate of the State, beyond the representation of the rest of the community. And as the consideration of services rendered to the public can no more belong to a particular portion of territory, and be connected with the amount of wealth casually accumulated thereon, than it can "in nature" be "hereditary, or transmissible to children, or descendants, or relations by blood," the idea of a particular and exclusive privilege to have a larger share in the appointment of the substitutes and agents of the people belonging to a section of territory so long as disproportionate wealth is collected on it, is as plainly "absurd and unnatural" as "the idea of a man born a magistrate, lawgiver, or judge."

They believe in the seventh article of the Bill of Rights, that "government is instituted for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men." They therefore cannot admit that a class of men living in one county ought to have a much larger share in the institution of government than a class of men equally numerous, living in another county.

* * * * * * *

The influence of wealth is great all over the world, for wealth is only another name for one of the forms of power. The tendency of all power is to augment and strengthen itself, and this is more especially the nature of wealth. All who have speculated upon political systems agree in this fact, and indeed the prevailing opinion is, that it has a much larger share in controlling the conduct of mankind than talent or learning, or even both in their happiest combinations. But upon this acknowledged fact of the vast influence of wealth in society, a practical question arises, admitting of opposite answers, furnishing the broad fundamental distinctions between two great parties to be found in every society.

Ought the laws, and the action of government, to favor the accumulation of wealth in masses, and its concentration in a few hands? The immediate interests of the aristocratic faction impel them to decide this question in the affirmative. The welfare of the popular masses, and the permanent interests of the whole nation are most decidedly on the other side.

This is the division, between these parties in the contest, everywhere. The one, relying on the dead weight of the purse, confidently trusts to preponderate by this element of power, and often has this hope been realized in the old world and in the new. The other party fixes its dependence on the indestructible energies of the human soul, whose rights have sometimes vindicated, for a brief period, their superiority over the accidental favors of fortune, and whose legitimate claims will be universally admitted when the diffusion of knowledge and the distribution of wealth have removed the obstacles that now impede the progress of equal liberty.

Wealth, by the many inducements it can hold out, enlists in its service a large proportion of talent; and wealth and talent together, regulate the standard of opinion, and fix the fashion. Against this powerful combination few men can stand up. The sturdy independence of a free spirit, born to speak out his thoughts, now and then gives utterance to the condemnation of the rule of faction, which thousands feel, but from unbecoming prudence forbear to express. The instruments of the moneyed cabal, knowing how odious their principles are to the people, seldom make a full avowal of their creed, but content themselves with steadily acting up to it, as often as they dare, giving way to the pressure from without whenever they are satisfied that it is useless to resist it longer. From these causes, the real interests at the bottom of most of our political disputes are seldom mentioned in public discussions.. To bring them before the public is apt to be very uncomfortable to those who make the experiment, and there is therefore a sort of conventional understanding that they are to be avoided in all States governed by the aristocracy. Of this class of States, Massachusetts is the most decided specimen; and the silence here is deepest.

Yet deep as is the silence, Massachusetts aristocracy will sometimes, on great occasions, break out, and expose its native deformity. If in any other State than this, any prominent statesman would have dared to advance the distinctive notions of a British whig, it is impossible that he could have brought the majority of the representatives of the people to adopt that variety of aristocracy in its crude and unadulterated form. Yet so it was in Massachusetts in the convention of 1820. The Hon. Daniel Webster, in that assembly, in the debate on the apportionment of the senate, deliberately avowed the odious dogma that it was the part of political wisdom to found government on property. As this has been a fundamental principle of the whig party in Great Britain ever since its origin, and seems to be the distinguishing characteristic of the whig party in America at the present day, it deserves great attention from all those who wish to understand that party: and as Mr. Webster is looked up to by them all as their chosen champion of constitutional truth, his exposition of this point is more likely to express the views of our aristocracy, so far as they deem it prudent to express themselves, than any commentary from any other quarter. I quote it, also, because it is clear, explicit, and unreserved.

Mr. Webster commenced his speech on the fifteenth of December, 1820, by remarking that he did not know whether any opinions or votes of his were ever likely to be of more permanent importance than those given in the convention; and that he did not anticipate, among the questions to arise, any of greater consequence than that before them. On this most important occasion of his life, we may be sure that every word was weighed carefully before it was uttered.

He stated the question to be, Shall the senators "be chosen in proportion to the *number of inhabitants* in each district, or in proportion to the *taxable property* of each district." He supported, as he always has done, the influence of property, in the most studied oration which he delivered in the convention, and by his exertions the weight of property prevailed. I do not know where a fuller statement of the whig theory of the rights of property can be found than in this speech. That the whig party still act upon the general theory, we know too well by their conduct on all the great questions now before the country. That they act upon it in the particular case discussed is also known, for with immense majorities in both houses, they refuse to alter the basis of the senate.

Mr. Webster said in determining the basis of the *senate*, there were two questions to be settled: 1st. Shall the legislative department be constructed with any other check than simply dividing the members into two houses? 2d. If a further check ought to exist, in what manner shall it be created?

On the first point he remarks, that, with all the guards which can be raised by constitutional provisions, we are not likely to be too well secured against cases of improper, or hasty, or intemperate legislation: and that, if all legislative power vested in *one* house, it is very problematical, whether any proper independence could be given, either to the executive or the judiciary. He proposes, therefore, two houses with equal authority and *mutual* checks. The senate is not to be a check on the people, but on the house of representatives. It is the case of an authority given to one agent to check or *control* the acts of another. And if it be wise to give to one agent the power of checking or *controlling* another, it is equally wise, most manifestly, that there should be some difference of character, sentiment, feeling, or origin, in that agent, who is to possess this control. There can be no *effectual control* without such a difference. Where shall we find or how create this difference? The present Constitution assigns to each district a number of senators proportioned to its public taxes.

On this aristocratical provision, the great expounder comments thus:— "I take the *principle* to be well established by writers of the greatest authority. In the first place, those who have treated of natural law, have maintained as a principle of that law, that as far as the object of society is the protection of something in which the members possess unequal shares, it is just that the weight of each person, in the common councils, should bear a relation and proportion to his interest."

Such a principle would limit the right of suffrage, and prevent men of small property from having any voice whatever in the election of senators, and Mr. Webster accordingly declares, that a different sort of qualification in the *electors*, for the two houses, is probably *the most proper* and efficient check. But although Mr. Webster takes this principle to be well established, by writers of the greatest authority, it must not be forgotten that the philosophical writer of the greatest celebrity that America has yet produced, thought far otherwise. Dr. Benjamin Franklin argued the principle of property qualification as follows. In a certain State, property of the value of fifty dollars was necessary to qualify the voter. A resident citizen of legal age, owned a jackass worth fifty dollars, but no other property. He presented himself at the polls, proved his right and voted. A few months afterwards, when it might fairly be inferred that the man had grown wiser, and was better able to discern his duty, and better qualified to exercise the elective franchise, he presented himself again at the polls, but he was now challenged as not qualified to vote. Though the man had grown wiser, the jackass was dead, and with his life departed the owner's right of suffrage. Now, asks Dr. Franklin, to which did the vote belong, to the man or to the jackass? And so we may inquire do the votes of Suffolk county belong to its inhabitants, or to bank stock, India rubber companies, and eastern lands? If to the inhabitants, by what logic can it be shown that in one branch of the legislature 4782 inhabitants of Suffolk ought to be equal to 30,210 inhabitants of Hampshire? How is this principle "to be well established?" Let us look a little further into the mystery, for in it lies the essence of whig faith.

"Those authors who have written more particularly on the subject of political institutions, have, many of them, maintained similar sentiments. Not indeed that every man's power should be in exact proportion to his property, but that in a general sense, and in a general form, property, as such, should have its weight and influence in political arrangements. * * * * * * One of the most ingenious of political writers is Mr. Harrington; an author not now so much read as he deserves. It is his leading object, in his Oceana, to prove that power naturally and necessarily follows property. He maintains that *a government founded on property is legitimately founded*: and that a government founded on the disregard of property is founded in injustice. * * * * 'It is strange,' says Mr. Pope, in one of his recorded conversations, 'that Harrington should be the first man to find out so evident and demonstrable a truth, as that of *property being the true basis and measure of power.*' In truth he was not the first. The idea is as old as political science itself. It may be found in Aristotle, Lord Bacon, Sir Walter Raleigh, and other writers. Harrington seems however to be the first writer who has illustrated and expanded the principle, and given to it the effect and prominence which justly belong to it. *To this sentiment*, says Mr. Webster, *I entirely agree.*

"In the nature of things, those who have not property, and see their neighbors possess much more than they think them to need, cannot be favorable to laws made for the protection of property. When this class becomes numerous, it grows clamorous. It looks on property as its prey and plunder, and is naturally ready, at all times, for violence and revolution. *It would seem, then, to be the part of political wisdom to found government on property.*" * * * * "If the nature of our institutions be to found government on property, and that it should look to those who hold property for its protection, it is entirely just that property should have its due weight and consideration in political arrangements."

In pursuing his argument, Mr. Webster claims a political relationship with the English whigs. "The English revolution of 1688," he tells us, "was a revolution *in favor of property*, as well as of other rights." This was the "glorious revolution," as it was called, of the English whigs, whose rallying cry was, liberty *and property*.

"As to the *right* of apportioning senators upon this principle," says Mr. Webster, "*I do not understand how there can be a question about it*;" and in another part of his speech, "I consider it as giving property, generally, a representation in the senate, both because *it is just that it should have such representation*, and because it is a convenient mode of providing that check, which the Constitution of the legislature requires."

"I will beg leave to ask, Sir," says this antagonist of Dr. Franklin, "whether property may not be said to *deserve* this portion of respect in the government? It pays, at this moment, I think, *five sixths* of all the public taxes."

Is not this, my friends, astounding doctrine to be laid down for the government of a democracy? Do we find in these principles the reason why the banks in Massachusetts were allowed to decide *five sixths* of the most important legislation of the State last winter, in many instances turning the scale by the votes of their presidents and directors, and almost without exception deciding the question by their influence? Our banks pay about three hundred and eighty thousand dollars out of less than four hundred and forty thousand dollars State taxes. Do they imagine, upon the whig principles of founding government on property, making it the true basis and measure of power, and giving the agents who represent property an *effectual control* over the agents who represent nothing but the understandings, and honest hearts, and souls, and consciences, and equal rights of freemen, — do they think on these sound whig principles, that the representatives of the banks *deserve this portion of respect in the government?* They may; for we have seen these claims allowed.

We have seen, with the profoundest humiliation, bank influence predominant, not only in the senate, which by the Constitution represents property, but in the house of representatives, which ought to represent, even on the slavish principles of Webster and the whigs, the souls which God created free, and willed to be amenable to no power beneath him. There have we seen the wholesome advice of his excellency the governor, spurned by his political friends, when it came in contact with the interests of the banks. There have we heard his excellency virtually ranked with the vilest of criminals, by declaring a measure recommended by him to be worthy only of "pickpockets, rascals, cut-throats." There have we seen a recommendation of his excellency to comply with the rules of ordinary honesty, supported only by his political opponents, and rejected without ceremony by the whole mass of his political friends. There have we heard it proclaimed that the people ought not to be trusted with power which they may abuse to do wrong, and this sage maxim assigned as a reason why banks which had violated their charters, should continue to be independent of the control of the State government. There have we heard a bank director gravely assuring the house, that he would agree that banks should be subject to the laws which the legislature might pass, if he could be satisfied that all future legislatures would be wise and good! As if it were self-evident that all bank directors, to the end of time, must be *ex-officio*, infallible in their judgment, of boundless benevolence, and of unspotted patriotism, and, therefore, worthy to be forever above the law, and independent of the people, even if they should not be vested, as the representatives of property, with an effectual control over them!

There have we seen a house which accepted the report of its judiciary committee, that the non-payment of specie for their bills upon demand, is a violation of the charter of a bank, by a vote of two hundred and sixty-seven to fifty-one, shortly after refuse to declare those charters forfeited, by the casting votes of bank directors, while I read in their rules and orders this salutary regulation unanimously adopted in an uncommonly full session: —

"No member shall be permitted to vote, or serve on any committee, in any question in which his private right is immediately concerned distinct from the public interest:" and while Thomas Jefferson's manual of parliamentary practice is open on the speaker's table in which I read this plain and emphatic paragraph: —

"Where the private interests of a member are concerned in a bill in question, he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principles of the social compact, which denies to any man to be a judge in his own cause, it is for the *honor* of the house that this rule, of immemorial observance, should be strictly adhered to."

This is the law of the house. What is its practice? On every debate on the banking system, officers of the banks are the principal speakers in defence of its abuses. On every committee where the interests of banks are concerned, bank directors take the lead. In every important vote where the private interests of bank stockholders and directors are distinct from those of the public, bank stockholders and directors turn the scale, by their own votes, in their own favor. Is it to be longer endured that this species of property should thus have the effectual control of the representation of the people? Is not Massachusetts as bank-ridden as the congress of the United States?

The United States bank loaned to members of congress during the five years' contest ending in 1834, while as an independent sovereignty it was waging war with the government, and endeavoring to obtain the effectual control over it, the enormous aggregate of one million six hundred and five thousand seven hundred and eighty-one dollars.

In 1830 to fifty-two members,	$192,161
1831 to fifty-nine members,	322,199
1832 to forty-four members,	478,069
1833 to fifty-eight members,	374,766
1834 to fifty-two members,	238,586

Making a total greater than the aggregate salaries of all the members of both houses of congress during the same period of five years. The bank was at the same time lavishing the people's money to corrupt the press, and through the press to traduce and vilify the people's government. It is no wonder that it carried a charter through both houses, and if the executive had not stepped in with his constitutional veto, and stayed the plague, the bank would have been at this moment the ruling power.

CHAPTER V.

HIS POSITION AND INFLUENCE IN THE MASSACHUSETTS LEGISLATURE, ETC.

In 1835, the citizens of Gloucester first elected Mr. Rantoul one of their representatives. His high moral and intellectual character, so congenial with his well understood democratic principles, gave him the confidence of his constituents, which his legislative usefulness, through four years of laborious service, nobly justified. As a democratic representative, he soon saw arrayed against him every influence and every device of political hostility, whether to be found in the numerical strength of his opponents, amounting to two thirds of the house, or in their bitter hatred of the principles of which he was a bold and able champion. The reign of class legislation, notwithstanding the burdens it imposed upon industry, and its encroachments on personal rights, had long been undisturbed by serious opposition. Mr. Rantoul broke the apathetic slumbers of the guardians of liberty, and roused them for its defence. He represented a community distinguished for its economy, its sturdy, patient industry, and its hazardous personal enterprise, rather than by wealth and its often immoral expenditures; and he both executed the will of his constituents, and satisfied the convictions of his own mind, when he attempted to recall the legislation of Massachusetts to its constitutional action. Had he, indeed, come from a mountain cavern, "monstrum horrendum informe ingens," with a Cyclopean frame and roar, the consternation of the house could not have exceeded that of the monopolists and aristocrats of the whole Commonwealth, at what they deemed the audacity, as they felt the force, of his assaults on special legislation and exclusive privileges.

No sooner did he give evidence of his high qualifications for the work of reform, which he dared to undertake, than he had to meet almost alone the combined whig talent of the house, directed by gentlemen as able in debate, and as experienced in legislative rules and tactics, as any equal number of men that ever acted as Massachusetts representatives. Many of them never hesitated to seize every opportunity and every means, parliamentary or otherwise, right or wrong, to put down and crush this new and well appointed advocate of democratic principles. Unusual and unfair modes of proceeding, unjust and offensive personalities, and whatever else was possible under a latitudinarian, if not a licentious construction of the rules of debate, were tolerated, in many instances, as it seemed, merely because directed against Mr. Rantoul.

No one could have witnessed the debates, at that time, in the Massachusetts legislature, without observing how much importance was assigned to whatever was said by "the gentleman from Gloucester," and how constantly this phrase rang through the house. It was on the tongue of every whig speaker, and apparently relished, as if there were a kind of eloquence in the mere words. "The gentleman from Gloucester" was himself eloquent; and if speaking of him, at him, and around him, could have made others so, there would have been many distinguished orators in that house of representatives. But victory in debate is not empty air. It is the substantial prize of knowledge, thought, and truth; and Mr. Rantoul's sound and convincing arguments, and his vivid, flashing eloquence, soon made it no mean distinction to be a "gentleman from Gloucester." The name of this respectable old town must long be associated with the memory of his genius and legislative fame.

He soon took and maintained a stand which compelled the respect and admiration of every fair opponent. He was not only the champion, and at once acknowledged as such, of his party; he was, although in a minority, in all but the technical sense, the leader of the house. No important subject of discussion during the four years of his membership, failed to receive lucid illustration from the treasures of his research, and his surprising facility in the just application of general principles to particular cases. His mind was well disciplined. He did not permit his imagination, fruitful and glowing as it was, to mislead his judgment. Though naturally nervous, quick in feeling and perception, he allowed no opposition in debate, or other intellectual contests, to sour his temper, or disturb the clear depths of his reason. When others railed, and poured out turbid torrents of invective and misrepresentation, he replied with quick though calm logic, an accumulation of rebutting facts, an avalanche of statistical truths, and sometimes with humorous or scathing sarcasm. But intentional misrepresentation, or conscious unfairness, constituted no part of his rhetorical armory. He had too much self-respect to give utterance to personalities, or to abuse and blacken an opponent, rather than answer his arguments. No public speaker, perhaps, ever confined himself more scrupulously or more logically to the subject of discussion. His purpose being to produce, in others, the convictions of his own mind, side issues and personal considerations could not divert him from it. He had at command a vast variety of established facts and principles, the denial of which would exhibit the ignorance or impeach the integrity of an opponent. With these he triumphed. They were his weapons; and many an adversary, whose declamation was sonorous, and whose vehemence was unquestionable, has found himself beating the air far away from the fortress of facts, which Mr. Rantoul had made the strength of his position. Distinguished as he was by the most patient industry, by indefatigable application, by a wonderful facility of acquisition, and a not less wonderful readiness to command, at will, and consequently with effect, the result of his labors, the knowledge he had acquired, sustained by his evident integrity of purpose, was his strength. He entered the lists completely armed. He was ready for attack or defence, as truth, justice, and humanity might demand. In effective talent for debate, he was unequalled. It is not too much to say, that no son of Massachusetts, of his age, ever entered her legislative hall better fitted by various and appropriate knowledge, by high purity of character, united with a ready and apt command of all his mental resources, in a rapid, lucid, logical flow of effective and brilliant eloquence, than Robert Rantoul, Jr. His language was the simple and direct utterance of his thoughts. What best served that end, whatever made him best understood, was his instantaneous choice. It was at the same time singularly pure, intelligible, and unostentatious. While he made no display of mere words, few men were capable of a more just discrimination in their use. "Non fumum ex fulgore, sed ex fumo dare lucem cogitat."

"I will give the ideas with absolute correctness," he once said, when interrupted by an opposing counsel; "my language must take care of itself." That was, indeed, his way. Ideas, thoughts, meaning were in him, and to give them fit utterance was a service which he intrusted, without much care, to his mother tongue; he seeming to be, while speaking, as little anxious about the showiness of the words he used, as of the breath which aided their enunciation. His voice was manly, and at the same time high, clear, ringing, and reminded one of some of the upper notes of the bugle. It could be distinctly heard, without great effort to himself, by those furthest from him in the most numerous assemblies.

To give a view, brief and imperfect it must necessarily be, of Mr. Rantoul's course and services in the Massachusetts legislature, is the purpose of this chapter. The following extract from the New York Evening Post, will present an idea of his personal appearance, and the circumstances in which he was placed.

It is understood to have been from the pen of John G. Whittier, who was also a member of the house. The friendly personal relations between that gentleman and Mr. Rantoul, established at this time, and continuing unchanged during the life of the latter, were made the occasion of an unjust and illiberal attack upon Mr. Whittier, by Hon. G. T. Davis, in the United States house of representatives, in reply to Mr. Rantoul:—

Our "extra session" of the legislature has just terminated; and after a tedious sitting of more than two months, we have left our revised "code" pretty much as we found it. We had too many conservatives among us to admit any radical change in our laws. Imprisonment for debt, contracted prior to 1834, is still maintained. The law monopoly, the odious militia system, the anti-republican inequalities of the taxation law, the sanguinary provisions of the criminal code, still exist. The attempt to reduce the large and disproportionate salaries of our public officers failed, except in two or three instances. Among those who have distinguished themselves in vigorous and persevering efforts for salutary reform in these particulars, Robert Rantoul, Jr., of Gloucester, deserves honorable mention. Nominally a whig, and consequently differing upon some points from this gentleman, I may be expected to speak of him with no undue bias of partiality. Looking into our legislative menagerie, while some exciting topic was under discussion, you would notice a slightly framed young man — carelessly dressed, in comparison with the dandyism which represents degenerate Boston — pale, dark, and thought-worn, watching intently the progress of debate. Suddenly you find him on his feet, — ten to one he commences with an appeal to the authority of the Constitution, — he calls upon the house to beware how they trample on the bill of rights, or sanction the continued violation of the plainest principles of liberty and justice. All eyes are turned towards him, — he has secured the attention of the legislative hundreds, — news-paper readers, sleepers, and all, — he is going on, like the storms which sweep over his own Cape Ann, shrill, loud, impetuous, — radical as truth, uncompromising as honesty. His fine intellectual head is thrown back over his left shoulder, — his sallow cheek kindles and glows with excitement, — his right hand (his left is thrust rather ungracefully into his pantaloons pocket) flung ever and anon impetuously forward, or shaken at his antagonist with a single extended finger, *à la mode* John Randolph. Wit, sarcasm, retort, invective, earnest appeals to the innate perceptions of natural justice, expressions of entire confidence in the ultimate decisions of the people, follow each other in rapid succession. He ceases, — and you see, all over the house, a mustering of the conservative forces. Half a dozen lawyers spring on their feet, one after the other, to sustain their shaken, and half-demolished positions. Where argument fails, then an appeal is made to party feeling; the whigs are rallied; the measure advocated by the radical, must be decided, not on its own merits, but on party grounds. Ask who the man is who has excited all this commotion, and you will probably be told by some ancient stickler for old abuses — some foppish scion of the aristocracy: — "That's the radical and disorganizer, Rantoul." Yet this man, misrepresented as he is by political opponents, sneered at as he is by such genteel ruffians as the editors of the ———, who like Shakspeare's boult, hold a place

> —— "For which the paindest fiend
> Of hell would not in reputation change."

And associated as he is, like Trinculo, with "strange bedfellows" of his own party, is an honor and an ornament to Massachusetts. Not one of her young men gives fairer promise of usefulness and honorable fame. His speeches during the session of last winter against incorporations, and during the one which has just terminated in favor of the abolition of capital punishment, for eloquence and intellectual power, have seldom, if ever, been surpassed in either branch of our legislature.

One of the earliest debates in which Mr. Rantoul participated, was on the bill to incorporate the Boyden Malleable Cast Iron and Steel Company, with half a million of dollars capital. An imperfect report of his speech on the bill was published in the Boston Atlas. The editor of the Boston Post, who transferred the report to the columns of the latter paper, says: —

The people are beginning to inquire into the unjust and dangerous course pursued by this State in granting acts of incorporation, and we hope this inquiry will lead to radical reformation. The public have an able and faithful sentinel in Mr. Rantoul, and one who will do all in his power to protect their interests.

Mr. Rantoul of Gloucester rose. He was observing, yesterday, he said, when interrupted by the member from Greenfield, that if a stop was ever to be put to the special legislation with respect to incorporations which had been going on, and increasing in extent for several years, one step towards this end would be to institute an inquiry into every application for incorporation that came before them. To grant no charters, unless a strong case could be made out by the applicants *for* a charter; unless the objects for which they prayed a charter were likely to be beneficial to the Commonwealth, — also, that they had the capital they named, — and that such capital was actually put into the concern. Restrictions, too, should be imposed upon them, so as to prevent their departing from the purposes they professed to pursue. The burden of proof was on the applicants, — they were bound to make out their case; and if they did not do this, no charter should be granted to them. It was not consistent with the character of the house, for members to act as they had hitherto done in relation to this matter. A bill was brought in — went through the usual course — not a single vote was given for or against it — no opinion expressed — it passed, and at once became the law of the land. Was this right? This house was a deliberative assembly; its duty was to consider, and discuss the subjects that came before it; but was it not a fact that all a man had now to do to get an act of incorporation, was to *ask* for it? The names of a few influential men were procured; individuals for whom the house had a respect, and the bill passed, as a matter of course. He asked again, was this right? He appealed to every member present, whether their business ought to be conducted in this manner. But he should go further back. He had other objections to granting these acts of incorporation; and in these objections he did not expect the house to concur so readily as they perhaps might in what he had said as to the necessity of inquiry and examination; they were, however, objections in which every man ought to concur, unless he was willing to open the flood-gates to this sort of applications, and extend the system of corporations unlimitedly. The tendency of corporations, when they come in competition with individual exertion, was precisely that of great wealth, if it came in competition with small means. They could not prevent a wealthy individual from having great advantages over the man that was not wealthy; this could not be avoided, without striking at the security of property, which no one thought of doing. But when the poor man had an advantage over the rich one — in the way of mechanical ingenuity, etc. — an advantage which he (the poor man) could not be prevented from having, would the legislature deprive him of this, — expose him (by incorporating capital) to the necessity of contending against greater odds than naturally existed against him in the individual wealth of the rich man? Would they do this by legislation — especial legislation — contrary to the letter and spirit of the Constitution?

When once, too, one of these corporations obtained an ascendancy in any particular interest, they locked it up from the rest of the community forever. * * * * So that when a power was granted to a corporation to lock up land, although that grant might be limited, the limit was of no avail. A vast portion of the real estate of the Commonwealth was now owned by corporations; or where the title deeds remained in the hands of the yeomanry, it was mortgaged to corporations. A neighboring county was shingled over with mortgages. Now ought this to be so? Ought the real estate of the Commonwealth to be *tenanted* by farmers, but *owned* by corporations?

But this was the state of things to which we were rapidly coming. Ought the yeomanry to be under the influence of great companies? It was the interest of republican governments everywhere, that the farmers should be the *owners* of the soil they cultivated; but this would shortly be no longer the case in Massachusetts. These views, he was happy to say, were not merely his own views, or those of a party; they were entertained by many of our most distinguished citizens, — by men of the most opposite political opinions; and not many years since they were sanctioned by an unanimous vote of both houses. In 1827, certain gentlemen of Salem formed themselves into an association for musical purposes, under the name of the "Mozart Society," and petitioned the legislature for an act of incorporation. Now if there ever was a harmless association, this was one. They only solicited to be allowed a capital, ten thousand dollars personal and ten thousand dollars real estate, and their only object was to sing psalms and hymns. The bill passed both houses, — there was not a vote against it; but when it was sent to Governor Lincoln for signature, his excellency took a bold stand, and returned it. He made no specific objections, — did not say that the capital proposed was too great, or that the object to be pursued was likely to become injurious; but he objected to the incorporation on *general principles.* * * * *

Mr. R. here read several extracts from the message sent by Governor Lincoln on the occasion of his returning the bill incorporating the Mozart Society. The message depicts the evils resulting from incorporations, — pronounces such associations unconstitutional, and hints the probability of their eventually substituting a humble and dependent tenantry in place of the high-spirited and independent yeomanry who ought to possess the real estate of the Commonwealth.

Mr. R. proceeded. All this was from Levi Lincoln; not from a mere radical speculator, but from a governor of Massachusetts. Mr. R. begged the gentlemen to remember this; and also that both houses acquiesced in these opinions and principles when the bill was sent back to them. They had passed this bill unanimously, and yet Governor Lincoln interposed his *veto.* This was rather an extraordinary proceeding, — rather unusual for an executive to return a bill respecting which both houses were unanimous. But this was done. And what did the legislature? Why, they were convinced they had been acting erroneously, and retraced their steps. These principles and opinions, then, Mr. R. said, came before members of high authority, — from Governor Lincoln, from the senate, from the house. He did not know any other principle that came recommended by such an aggregate of authority as these. If the conduct of the governor, the senate, and the house was to be looked upon as deserving of notice, as meaning any thing, it was high time that the system they deprecated should be done away with. If it was not stopped effectually in 1827, it ought to be in 1835. Corporations had gone on increasing, and the evil was far greater now than it was at the first-named period, as described by Governor Lincoln. There must be a time to stop them, and now was the time. The evil of incorporations in 1827 had become so great, so evident, that the justice of the opinions expressed in Governor Lincoln's message, was immediately acknowledged by the legislature. The evil had increased, — it was infinitely greater now than it was in 1827, and by and by this subject would become the first in the eye of the people. The people would stand up against corporations; they would say, "We will see whether the citizens of the Commonwealth are to govern themselves, or to be governed by corporations." He (Mr. R.) maintained that these corporations formed a political party, — not perhaps immediately identified with either of the two great parties into which the country was now divided, but which might become so; having, at all events, peculiar opinions and interests, and possessing a power of patronage that would enable them to carry any question they might espouse; a power of patronage far greater than that of the federal government. The corporations of this city wielded a power of patronage, for corporation purposes, infinitely greater than that of the United States. And was it to be supposed that the people would be forever dumb with the knowledge of this fact in their possession?

He told the house if they did not put a stop to these corporations, they would become the great turning question. A great party would grow up against them, and then corporations might look to themselves. * * * * What was the object of our constitutional government? It was to insure equal laws and privileges to all. If no Constitution had been framed, men would be governed by such parties as chanced to grow up among them, and who would make laws to secure and advance their own interests; but we did not like this; we did not approve of aristocracies and exclusive legislation, and therefore a Constitution was framed. Aristocracy was an evil because it governed unequally. We established a government, under certain rules and regulations, in order to prevent this; in order that there should not be one law for one man and another for another, but that there should be general laws, operating alike on the whole mass of the community. Now corporations were a violation of this first principle of the Constitution, which was framed to prevent special legislation,— to prevent the passing of laws for the exclusive benefit of one set of individuals; and yet, here had the house been engaged in special and unequal legislation for several years past. The sixth article of the Bill of Rights, (and he had noticed a sneer upon the faces of some gentlemen, when this article was alluded to the other day in a petition,) he had always supposed to mean something; but in this house he feared he should learn, for the first time, that it meant nothing. The sixth article said "that no man should have exclusive privileges." Now this article was clearly violated by the granting of charters of incorporation. Companies came to the legislature to *get* exclusive privileges. If they did *not* get them, they would not apply for charters, which would then be valueless.

Mr. R., in conclusion, said that he did not expect the house to go with him in all the views he had expressed on this subject. He knew the Constitution was, in many respects and in certain particulars, a dead letter; and this because there was a party indifferent to it. He hoped, although his hope was not strong, that the party did not constitute a majority of that house, and that at least some degree of caution would in future be exercised in granting these acts of incorporation. If not, something else would be done. The people would say that a general law in relation to this matter might be passed in a week, and yet the legislature persisted in legislating for particular parties. He conjured the house to pause; to go on no longer with special legislation, but to frame general laws, which would save the house the trouble attendant upon applications for incorporation, and the people from the injurious operation of such associations.

In relation to the debate on this bill, and to the part which Mr. Rantoul took in it, the Boston Advocate said that

Mr. Rantoul of Gloucester, who has been the point of attack for all the members on the other side of the question, took the floor, and spoke in a forcible strain of eloquence and invective against his assailants, which riveted the attention of the whole house. We have rarely witnessed a more happy effort in public speaking.

Mr. Rantoul said he thought the motion which he had made the other day, to lay his bill upon the table, was not unfair; yet it had been treated throughout this discussion as a most signal instance of unfairness. How was that matter? Somebody must have the last word. Six or eight gentlemen had spoken in answer to him,— six or eight of the most experienced and adroit debaters in the house. The proportion of speakers through the whole debate had been six or eight in favor of corporations to every one against them, and the proportion of time on each side about the same. He thought, as one side or the other must have the last word, it fairly belonged to the speaker who stood almost alone, and not to the host who, like Philistines, had fallen upon him. The gentleman from Taunton (Mr. Baylies) had called the corporation system the settled policy of the Commonwealth for *the last sixty years!* Where that gentleman got his authority, in the history of this Commonwealth, for such an assertion, he could not imagine. But, if it be so, is the policy of the last sixty years so rotten and in such a tumbling condition that it cannot be called in question,—no, not by a single individual with the most weak and inefficient arguments, among six hundred intelligent and considerate men, without great and imminent danger of being demolished? Put your finger upon it and it will crumble into dust, seems to be the implied admission of these terrified gentlemen corporationists: it will not even bear to be looked at. Indeed? Then it is high time it should be looked at and scrutinized thoroughly. Then the people of this Commonwealth have already condemned it. If it be so already insecure or even so odious that the few crude remarks which he submitted the other day were sufficient to call forth the alarm and excitement which exists in this house, and out of this house, then its strength is gone, and it might as well be abandoned now, for very soon it must be.

Gentlemen tell us, said Mr. Rantoul, that they are not alarmed. Sir, what is the language of their acts? When you see Sir Peter Teazel storming about the stage, and telling you *he is not in a passion*, what inference do you draw from his words and his acts taken together? Gentlemen may tell the house they feel perfectly secure about corporations, — that the constitutional argument is nothing, — the argument from expediency nothing, — but if they take ten days' hard labor to answer these foolish arguments, and after all do not answer them, the house will know what to judge of the matter.

The whole tone of argument on the other side, has been in the highest degree disrespectful to this house. The house sustained me by a vote of two hundred and thirty-seven to one hundred and eighty-six, in the view I took. No sooner has the house made its decision, than a torrent of vituperation is poured out upon that decision. *Fifteen* gentlemen from Boston, and there may be fifty-two more to follow, with two or three friends of the Worcester Hotel to aid them to pour out the phials of their wrath, not upon my head, but upon the house, which has not shown itself subservient to their views. It seems to be taken for granted by these fifteen gentlemen, that the house will see its own folly and their wisdom, and will retract after a little schooling, even without reason.

Sir, agrarianism, levelling, Jacobinism, war of the poor against the rich, these are the cries. This is the stale trash, by which this house is to be driven to reverse an opinion expressed after mature deliberation and by a majority of fifty-one votes.

It was nothing that fell from me, Sir, but it was the vote of this house, it was the vote that stirred the hornet's nest. It was that vote that put the whole covey of aristocracy in a flutter, — a vote to lay a monopoly flat on its back upon the table, two hundred and thirty-seven to one hundred and eighty-six. Gentlemen could smile at the constitutional argument, just as they smiled at the sixth article of the Bill of

Rights when it was read a few days since in a petition, just as they smiled at the old Jeffersonian creed, when they heard it in the Georgia resolutions, but when the *vote* was announced, their countenances changed. They smiled still, but it was what the French call a *rire jaune*, a jaundiced smile, a bitter smile, a smile of anguish, a smile that showed how deeply that vote had entered into their souls.

The representatives of Boston then rose up by the dozen, to proclaim that a new straggler from Cape Ann had come here with some wild notions, but that they were all moonshine.

Sir, I wish to dispose in a very few words of each of the gentlemen who has answered since I was up last. Fifteen gentlemen from Boston have taken their turns, and there are fifty-two more to come. I must take them singly in the order in which they spoke. They represent this great city, one class of whose population, and that a powerful class, is all awake like Ephesus when the apostle threatened the monopoly of the silversmiths. They cried out for the space of two hours, Great is Diana of the Ephesians! And our monopolists have cried out for the last ten days, Great are the corporations of Massachusetts!

My friend of Boston, behind me, (Mr. Parsons,) first opened upon the house. He was highly heated, and exploded like Vesusius when its entrails are troubled, in a tremendous and fiery eruption. And for what? The alleged cause was that I had held up George Cabot to disgrace. Not so, Sir. I held him to no disgrace, — unless the gentleman will have it that it was a disgrace to have been president of the Hartford Convention. I introduced his name to show the gentleman from Boston, (Mr. Blake,) under what colors he was now sailing. At the latter part of the last century, and the beginning of the present, the democratic party was opposed to corporations in this State. This can be proved from the Chronicle and Essex Register, if the house did not know the facts very well. One might take the special acts in one hand, and the political history of the State in the other, and read the names of the stockholders of the banks, from the Massachusetts Bank, down to 1811, and in all the earliest manufacturing corporations, and show that they were all federalists, and mostly *leading* federalists, and that the whole power of the corporations was federal power. To hint the same fact to the venerable gentleman, I introduced the name of George Cabot, president of the Hartford Convention, the first named corporator in one of the first, if not the very first manufacturing corporation in Massachusetts. I had a right to do so. The gentleman had taken the liberty to bestow on the opponents of the bill the title of agrarians, and with his characteristic piety thanked God that the democracy of 1801, was a very different thing from that of the present day.

Sir, if the gentleman calls himself a democrat now, he *must* think that democracy is a very different thing from what it was in 1801. But I thank the Giver of all good that there is a little of the old fashioned democracy left in the land, — however widely that gentleman may have wandered from it. Sir, suppose in 1801, when that gentleman was a democrat, and was in favor of rotation in office, and other democratic principles, a prophet had appeared to him and said, in a few years you will find yourself side by side and shoulder to shoulder with the editor of the most consistent paper in the United States, from whom you are now wide as the poles asunder, he, that veteran editor, still continuing one of the most consistent politicians in the Union, and having never swerved, no, not one jot or tittle, by the breadth of a hair from his original principles. What would he have thought of such a prophecy? Yet such has been the wonderful reality. Some years ago it was announced in the columns of the Centinel, "*Redeunt Satania regna*," that the kingdom of Satan had returned, and ever since that day, the two veterans have been fellow-workers in that same kingdom of Satan.

Mr. Rantoul's opinions of corporations were also freely declared in his speech on the Tavern Bill brought before the house in the same session. A majority of one hundred and twenty-seven had refused to pass a bill for the incorporation of a hotel in Worcester. Its friends moved a reconsideration of that vote.

Mr. Rantoul hoped the bill would not be reconsidered after the solemn manner in which the house had decided, not to grant an incorporation to a hotel. He hoped the principle was settled. The indication of public sentiment from the country could not be mistaken. * * * * * The bill was still pressed against the clear and manifest sense of the house. The pretence now was that if a certain amendment, preventing the sale of ardent spirits, were made in the bill, it would then become acceptable to the house, when in fact the house had first rejected that amendment, and then rejected the bill. Gentlemen, too, had placed it on the ground of its being an enterprise in which men of moderate means were to invest funds, while at the same time, they admitted that it presented so little prospect of profit no capitalist would engage in it. He contended that it was not doing any kindness to the middling classes, to furnish a place of fashionable dissipation in Worcester or Boston. The legislature could not prevent the increase of luxury, but they could withhold their sanction to incorporating establishments of this kind. The town of Worcester was growing and he rejoiced at it, and when a hotel should be wanted there in addition to those already established, it would be provided by private enterprise, without granting an act of incorporation to induce men to risk their means in what was admitted on all hands to be a hazardous experiment. * * * * * It had been said, it was now established that the house would not grant incorporations indiscriminately. He was glad to hear that, — he was rejoiced to learn that the house had got so far. Heretofore they had granted all that were asked for. But was the rule now to be, that they would incorporate all hazardous enterprises which no prudent individuals would undertake? It was admitted that individuals would not undertake this project, and that it would be made up by funds derived from men of moderate property, who were to put in a few hundred dollars. * * * * * The encouragement of hazardous experiments was not the part of a prudent legislature. Massachusetts had encouraged rash experiments by her system of indiscriminate acts of incorporation, which led to the ruinous disasters of 1828 and 1829. Massachusetts and the general government might share the fault between them. Indiscriminate legislation of both led to the ruin which followed.

In the course of the same session of 1835, the Warren Bridge question came before the legislature. This was plainly a question of popular rights on one side, and the selfishness of corporations on the other.

The citizens of Charlestown and vicinity a few years since, finding that the amount of tolls they were obliged to pay, in passing and repassing Charles River, was a great and oppressive burden, determined to have a free communication with the city of Boston. To this end Warren Bridge was built, which after a certain number of years was to be given up to the State, and made free. The time arrived when the bridge was to be given up, but still there were tolls collected under various pretexts. This had been done by the influence of the stockholders in the other bridges, who had probably been paid ten times over the original cost of the stock. An animated debate occurred in the house on this subject, which was commenced by Mr. Robinson of Marblehead, who spoke ably and at some length in favor of making the bridge free. This, it was contended on the other side, would be an unjustifiable interference with vested rights, etc.

Mr. Rantoul said, he perceived that gentlemen already snuffed, in the gale, the plunder of the counties of Essex and Middlesex. They proposed to draw a great revenue from one part of the Commonwealth, and then divide the spoils among the whole. This was contrary to the Constitution. The tenth article of the Bill of Rights said that each citizen should bear his share of the burdens of the Commonwealth. If they compelled, then, a citizen to bear more than his share, they were guilty of a violation of the Constitution, and an act of tyranny and oppression. This sort of taxation had been the cause of most of the troubles in Europe, of the outrages which took place in the early part of the French revolution. Mr. R. said he knew the state of feeling existing among the people in relation to this matter; and the legislature might depend upon it, that if they passed a law to maintain the existing state of things, (the tolls for the benefit of the State,) that law would be nullified, — he would not say how, but it *would* be nullified.

The house voted by a large majority to appropriate the tolls to the repair of the bridge; but in this measure the senate refused to concur, and the lieutenant-governor and council adopted the opinion of the attorney-general, that it would be lawful to continue in force the provision for taking tolls to the end of that session of the general court. The house, which is based on population, voted to sustain the interests of population. The senate, which was then based on property, voted to sustain the interests of property.

In the house of representatives, Thursday, September 8, 1835, the bill from the senate continuing in force the act of 1833, relating to the Warren Bridge, being taken up in the house, was amended on its passage to a third reading, by the proviso that the tolls already collected, and that those that may be hereafter collected, shall be exclusively appropriated to the repairs and maintenance of said bridge, and other purposes relating thereto. Messrs. Blake and Simmons opposed the amendment; Messrs. Keyes and Rantoul supported it. The following is a copy from the Morning Post of Mr. Rantoul's remarks: —

The gentleman from Boston had told us, and told us truly, that neither the former proprietors, nor the Commonwealth, had paid a dollar for the Warren Bridge. Those who have used that bridge have paid for it, and for that very reason should not be called upon to pay for it again. But still that gentleman contended that the Commonweath had a perfect right to the tolls of that bridge. The gentleman from Boston had forgotten his early political notions; thirty-five years ago he would have stood up in his place, and refuted, much more clearly and effectually than I can now do, the principle that one portion of the community should be taxed for the whole. The gentleman asks, where is the prohibition in the Constitution against raising a revenue from such a bridge? But that is not the proper question. The question should be, Where in the Constitution do we find the power to tax such a bridge? It is for the other side to show the power, and not for us to show the prohibition. If a power be not granted, it is prohibited. We ought not be called upon to prove a negative; but still, difficult as it often is to prove a negative, Mr. Rantoul thought it could be done in this case, by the strict letter of the Constitution. He was aware that gentleman had said that the objection to the tax on passengers over the Warren Bridge, upon constitutional grounds, was not entitled to much weight, and unworthy of any particular examination; and this indifference to the constitutionality of measures he had always found to be a characteristic of a certain class of politicians, whenever it became necessary to sustain any species of monopoly. All arguments or inferences drawn from the Constitution, by the closest and soundest logic, were sneered down as unworthy of a reply. No attempts were made to prove the arguments or inferences unsound, by logic equally clear and exact. A sneer was a more certain way of silencing an opponent, who professed to derive his arguments from the Constitution. An argument against a constitutional objection might not succeed, but a sneer was rarely known to fail with the party. The Constitution has therefore become for all practical purposes a dead letter. Yet at the same time that all deductions, however legitimate, and resulting by the clearest implication from the Constitution, are thus disregarded by gentlemen, they still profess to *worship* the Constitution. Yes, worship the Constitution; but all consequences of the Constitution they deny and deride. Mr. Rantoul did not know that he had ever referred to the Constitution or the Bill of Rights, in argument, without being rebuked; he would still, however, go back to the Constitution, in the present case, and see if he could not find there the prohibition, which the gentleman from Boston supposes it does not contain. The words of the Constitution are, that the legislature shall have power "to impose and levy proportional taxes." Is it proportional to raise $15,000 a year out of the profits of the people east of the bridge, and none from the other parts of the Commonwealth? The gentleman from Boston had compared the tax on the Warren Bridge to the bank tax, or auction tax, or license tax; and there might have been some color in the comparison, if it were proposed to tax all the bridges. But to raise a tax on Warren Bridge only, is precisely the same thing as if only *one* bank was taxed, and all the rest exempted; or as if the auction tax was levied on one auctioneer; or the license tax on one inn-holder.

Mr. Rantoul continued. The Bill of Rights declares that the property of the citizen shall not be taken for the public use, without rendering an equivalent. Now what equivalent do the people receive from the Warren Bridge? The very people who now use, and have used it, have themselves paid for it, — it never cost the State a dollar. What equivalent does the State render? The State surely cannot give to them what is already their own, — what they have bought and paid for. It is not pretended that they have not paid for it, and in the fullest manner. Let the history of the bridge be traced and stated. The State has the regulation of Charles River, the navigation of which will be obstructed by erecting another bridge over it; but it is believed that the convenience to the public of another bridge will more than counterbalance the inconvenience of additional obstruction of the navigation, and the legislature therefore permit another bridge to be erected. Individuals, then, immediately interested build the bridge, and offer to surrender their right to take toll, as soon as the bridge is paid for by those who use it. That has been accomplished, and the bridge is made over to the State as a public highway, and what right has the Commonwealth — since the legislature has declared that the public necessity requires a bridge — to put a toll-gate on that bridge, any more than it has to place a toll-gate on the highway to Roxbury?

Mr. Rantoul next adverted to the Charles River Bridge, — that bridge had set up an exclusive claim to all the travel over the river, when West Boston Bridge was petitioned for; but the legislature would not listen to their pretensions, though it allowed the proprietors an extension of their charter for thirty years, on account of the risk they had incurred of being reimbursed for building the bridge for public convenience, — but since that time other bridges have been erected, and the legislature has not granted any further extension of the Warren Bridge charter. They considered the question of exclusive right disposed of; and the building of the Cambridge Bridge ought to have settled the question forever. It is plain the legislature never intended to admit their claim to indemnity beyond an actual reimbursement, both of principal and interest, and which, by the by, at the expiration of the first term of the charter, they had more than received. The Commonwealth did say to the old bridge, it is true, that every man who passed over it should pay toll; but the Commonwealth never did say, that every man who had occasion to pass from Boston to Charlestown, should cross over that bridge, and no other. The builders of that bridge have been paid over and over. They have received a million and a half of dollars, for what cost them $50,000 or $60,000, and in the expending of which they ran no risk, — no risk that other reasonable men were not all willing to incur at that very time, and after that bridge was undertaken. Yet we are called upon to pay them over again, upon the score of the great risk of their undertaking, when no risk was run, as the result has proved.

We are told that the present stockholders are the widows and orphans of the original proprietors. Orphans they must be, whose parents died fifty years ago. We should remember that the present burden falls upon those widows and orphans who have become so in our day, who have to cross that bridge.

There is one consideration growing out of the amendment proposed, which has entirely escaped the notice of the gentleman from Boston. It is, that it proposes to retain the money received for tolls, for the use of the bridge and purposes connected with it. Now the gentleman tells us that there is a question pending at Washington, and the decision may be against the Warren Bridge. We, however, deny that there is any question pending at Washington, — and there was a time, too, when the gentleman himself would have indignantly repelled the doctrine, that the State of Massachusetts was not competent to decide when and where her own bridges should be built. Massachusetts, a sovereign State, is surely competent to manage her own concerns. The reference of a purely domestic matter to Washington, is only one instance to show the tendency towards consolidation, manifested, both directly and indirectly, by certain individuals. But admitting the decision to be against the Warren Bridge, and a suit is brought for the tolls; where is the money to come from? By the present law, it goes into the treasury of the Commonwealth, from which it will soon be extracted for some humbug speculation, which will be set on foot the moment it can be got hold of. Of the fifty thousand dollars, not a dollar will be in existence at the close of the year. Means and ways will speedily be devised to squander it in projects from which the people will never derive any advantage. If the legislature would invest it in the Great Western Railroad they talked of in Faneuil Hall last night, some advantage to the State might accrue; but he would venture to prophesy that not a cent would ever find its way into a channel which would benefit the people. Instead of that, there would spring up some monopoly to be fed with it; some academy to be endowed, — some college to be established.

Mr. Rantoul referred to Mr. Simmons' remark, that an attempt had been made to bully the legislature last session. He would not utter any threats — there was no need of any — the people of Massachusetts were not disposed to acts of violence. One of the greatest riots that ever occurred at Paris, was occasioned by the country people opposing the collection of tolls at the gates of Paris; but here, there would be no riot; the people would resort to a peaceful remedy — if they resorted to any — to free themselves from the burden that falls so heavy on them. With a very small part of the money now paid for tolls, a line of steam ferry-boats could be established, which would relieve the bridges from the chief portion of their travel.

The amendment was opposed with great vehemence and pertinacity, and while Mr. Rantoul was speaking in support of it, on account of the lateness of the hour, he gave way to a motion to adjourn. The friends of the bridge monopoly, subsequently succeeded in continuing the laws for taking toll, to the second of March, 1836. On the eleventh of that month, we read in the Gloucester Democrat, the following announcement:—

> The power of one species of monopolizing encroachment is broken. Warren Bridge is at last free, — the law authorizing the taking of toll at that bridge having expired on the second instant, and the legislature having refused to pass any new act for the spunging of the travelling public. The event was celebrated with great animation by the people of Charlestown and vicinity.
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> A large number of the inhabitants, with their invited guests, including the governor of the State, members of the council, senate, and house of representatives, partook of a collation at the town hall. Many pertinent speeches and sentiments were called forth on the occasion. We select a few of the toasts. Governor Everett gave: —
>
> "The city of Boston and the town of Charlestown. May the increased facilities of communication between them, promote the common welfare, and strengthen the bond of good feeling."
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> Mr. Rantoul, of Gloucester, being called on for a sentiment, remarked, That they had met to celebrate the termination of a contest for a principle of vital importance to the interests of the whole community. Charlestown had once been the battle-ground where another question was contested, — the great question of American independence. It might almost be said, that the events which took place within her territory constituted the point on which the crisis turned. She had a large share of the suffering, and should have of the glory of that conflict. It

was unconstitutional taxation, unjust taxation, that roused the resistance of which so prominent a scene is almost within reach of my voice, and which continued through eight years' war against unjust taxation, against principles which threatened to lead to unconstitutional taxation. Charlestown furnished the battle-ground again, and now the struggle is over, we meet to congratulate one another upon a glorious, and, blessed be Heaven, a bloodless victory. The parallel might be run out into particulars, and, in abler hands, said Mr. R., it could not fail to be interesting. But not to take up time which is precious, when we have so many of our friends to be heard from here. I will only add that the principle of free competition between great public improvements as between individual enterprises, being now established, an obstacle is removed from undertakings to promote social and business intercourse, which otherwise have proved most baneful to the general interest, if not fatal to their progress. I propose as a sentiment, the two leading epochs in the history of Charlestown: —

"The 17th of June, 1775, and the 2d of March, 1836. May Charlestown, which rose like a phœnix from the ashes of the 17th of June, flourish and prosper more abundantly after the glorious 2d of March."

Mr. Solomon Parsons, one of the marshals, gave: —

"Robert Rantoul, Jr.; his able and indefatigable exertions in the cause of the Warren Bridge, entitle him to the warmest thanks of the people of Charlestown."

Sir, said Mr. R. in reply, that I fought in the battle of liberty and had a part in the victory which rejoices all our hearts, * * * * The principle we have established is, that the people of Massachusetts have a right to build, with their own money, their own bridges and highways; and when built and paid for, to travel them without asking leave of any corporation. This principle has set out on its triumphant march. It will go on conquering and to conquer. It will pass through the State. I give you: —

"The triumph of principle."

Mr. Rantoul remarks, on the motion to refer to the next general court the remonstrance against the passage of Mr. Cambreleng's bill, February 14, 1837: —

Mr. Speaker, — Sir: I rise to support the motion of my friend from Newton, to postpone the subject-matter of this debate, and refer to the wisdom of the next legislature. That, I believe, is the best disposition that can be made of it. If it be necessary to adopt a creed in political economy, by yeas and nays, to be solemnly proclaimed to the world, great and careful deliberation is requisite in drawing up the confession of faith. Every word should be weighed; every principle reduced to a mathematical certainty, both in substance and form. For this scrupulous precision, we have now no time. The fourth of March is close at hand. There is no need of hurrying through this legislative anathema, unlicked and misshapen as it is, for nobody supposes the bill to be anathematized will pass at this session. Let us lay the paper on the shelf, then, till wiser men than we are come here next year, to discuss its mysteries. They can begin the first day of their session, if they like, when they have plenty of leisure; in the meantime, the gentleman from Boston (Park) can write a pamphlet to enlighten them. But let us go about our own business, — the business for which the people sent us here.

Sir, the gentleman from Nantucket, in his ornithological disquisitions, has laid down some broad distinctions between dung-hill cocks and eagles, has made that point of natural history so clear, that one would have imagined there could be no mistaking the one for the other. Yet the gentleman has taken this white-feathered fowl, which we all know, from the egg, under his special protection and patronage, and his wanton imagination has metamorphosed it into a soaring and terrible eagle, with beak and talons like the bird of Jove. If I strip the creature of his borrowed plumage and false spurs, and show it to be what in very truth it is, a mere dung-hill craven, crowing lustily where there is no danger, but fit for no service that tries the mettle, he must blame those that foisted the ignoble bird upon him for a true thunder-bearer.

Sir, the gentleman's historical recollections are even worse fitted to his purpose than his ornithology. With such a purpose, and such doctrines as he has advocated, how dare he waken those spirit-stirring reminiscences of the opening period of the revolution? I thank him for it. Nothing could be more appropriate, in opposition to this British tory protest, though nothing could have been more unfortunately suggested for its supporters.

In what cause did Samuel Adams and John Hancock stand up, (not on this floor, as the gentleman supposes, but where they did stand,) asserters of American liberty? Were they clamoring, like the gentleman from Nantucket, for more taxation? Were they imploring, as he does, heavier burdens upon themselves, their countrymen, and their posterity? Was their constant, eternal, never-varying cry, tax us heavily, tax us thoroughly, tax us universally, in all places, at all times, on all articles, on all luxuries, comforts, and necessities, but most on what is most necessary, — on raiment, food, and fuel, and all utensils by which we earn our daily bread? Tax our raiment, though you bring us to rags; tax the tools of our trade, though you grind us to dust; tax the fuel that warms us, though we perish in the northern cold; tax the food which sustains us, though we starve for want of means to purchase what will satisfy our hunger? Tax us to the last dollar. *Taxation is a blessing. The removal of taxation is a curse.* Tax us all; BUT TAX THE POOR MAN MOST! Were these the doctrines of Hancock and Adams? Was this the "American system" from sixty-three to *seventy-five and six?* I had never read it, nor heard it; I had never dreamed until the gentleman announced himself as the successor of Samuel Adams, the Elisha on whom had fallen the mantle of that Elijah, that the grievance which drove our fathers to rebellion was the absence or removal of taxes, and that they achieved revolution to secure to their posterity forever, intolerable, causeless, unconstitutional taxation. That is altogether a new view of the subject. Oh, no, sir! If tradition be not delusion, if history be not a fable, if authentic records be not false forgeries, the question between our fathers and Great Britain was identically the same that is now arguing between the gentleman from Nantucket and myself. The appeal to the God of battles was upon this issue. Lives, and fortunes, and sacred honor were staked upon it. Tens of thousands of lives were cheerfully laid down to decide it; but the gentleman from Nantucket takes the tory side.

Sir, I stand up for the integrity, for the republicanism, for the patriotism, for the "American system" of Samuel Adams. He was on our own side, Sir: would that the gentleman from Nantucket had learned in his school. All the holy blood of the revolution, freely poured out like water, was spilled in this our cause, in opposition to death, to the favorite doctrine of a majority of the house, in opposition to *unconstitutional taxation.* I say "unconstitutional taxation," because I mean so. The whig party in this house takes, *as usual*, the old tory ground. I refer not now to past tariffs, to the present tariff, to any action of congress, pending or possible, on this subject: I refer to the action of this house last week and now. The remonstrance seems to deny to the government the power of reducing the taxes of the people, even when the revenue is superabundant. To remove this objectionable feature, or at least to ascertain if this was the meaning, I offered an amendment, consisting of five resolutions, the first of which was in these words: "Resolved, that in the opinion of this legislature, it is inconsistent with the purity of republican institutions, and dangerous to the stability of the Union, to raise from the people by any form of taxation a revenue, not needed by the actual wants of the government, for the purpose of distributing the same among the States or the people." That amendment the house refused to print, and refused to allow the yeas and nays to be taken upon it. And finally rejected it by a strict party vote, in a thin house, (272 to 159, Friday, February 10). The objection to my amendment was mainly directed against this first resolution. The gentleman from Worcester opposed it on the ground that if such a doctrine were admitted, and a surplus should accumulate, the taxes might be reduced. Several gentlemen from Boston made the same objection, and argued also that the income from the public lands might pay all the expenses of the government, in which case the tariff must be reduced according to the amendment, but ought not to be, according to their views. For this very reason the amendment was rejected, yet it has not been pretended that the Constitution of the United States directs or authorizes money to be raised, except for the actual wants of the government.

These gentlemen, then, avow their determination to do all they can to continue taxation not needed for the actual wants of the government; in other words, they avow their approbation of, and desire unconstitutional taxation.

And is it for this that the name of Samuel Adams is invoked? He and the whole band of his fellow patriots thundered against this very heresy unceasingly, and the last of all abuses they would ever have expected is this, to be quoted for that which their souls abhorred. Sir, the bones of Samuel Adams would hardly rest in the grave, should he hear this profanation of his name. The gentleman from Nantucket has allowed me that license of the imagination in which he indulges so freely. If I take him at his word, I shall imagine while I listen to the gentleman from Nantucket, some thorough-bred tory of the ante-revolution time, eloquently expatiating upon the blessings of British taxation. This empire lives, says he, by taxes,—commerce, manufactures, agriculture, labor, all thrive by *protection.* The protective taxes reach everywhere; the colonies feel only their portion, and in truth less than their portion, of the common burden, while the general prosperity pervades the whole empire through all its extremities. Do away these taxes, and the glory of the empire has departed forever, her sun has gone down in eternal darkness; you here in America, no less than all the rest, are involved in the common ruin.

Such is the speech of the gentleman from Nantucket, if you carry its date back some sixty or seventy years. It is the very toryism which the burning indignation of Samuel Adams rebuked. It is the doctrine in reprobation of which the tea went overboard. Lexington and Concord drank in blood of the first martyrs in resistance to it. Bunker Hill thundered against it. It was checkmated at Saratoga and Yorktown. Yet the gentlemen from Nantucket, Worcester, and Boston call up from the tomb the revolutionary relics of the heresy on which United America has set the seal of condemnation; and because toryism is in digrace, they baptize it whiggery. In vain: no borrowed name can shield it from detection; no cloak of hypocrisy can conceal its inherent deformity. This legislature may resolve whatever they please, but the people of Massachusetts will never join in any prayer for the imposition or perpetuation of unconstitutional taxation.

The great Telamonian Ajax of this new American system told us once, in his better days, that it deserved to be called the British system, because it was borrowed from the long established practice of Great Britain, and was in all respects the reverse of our own established practice. Sir, this is true. The genuine old-fashioned American system is freedom. Restriction was and is the British system. The gentleman from Worcester fairly takes his stand upon this ground. He appeals boldly to the example of Great Britain. He tells us that the greatness and glory of Great Britain are the fruits of her restrictive policy. This I deny, Sir. Her greatness to her insular position, to her coast indented with harbors, to her mineral treasure, to her agricultural wealth, to the freest government of the old world, to the ingenuity, enterprise, perseverance, and indomitable spirit of her sons, and to that general constitutional superiority of the Saxon race which we share in common with her. Much of her poverty, much of her suffering, she owes — it can be mathematically demonstrated that she owes it — to the curse of unequal taxation, to the restrictive system. But suppose I grant to the gentleman, for the sake of the argument, that the present condition of that island is all owing to those heavy taxes which he eulogizes. What then? Is there any thing in her condition which a republican nation envy? Where thousands groan in misery that one may wallow in wealth; where the tears, and the sweat and blood of the laborer, distilled through the alembic of the gentleman's "system," fertilize the broad domain of privileged luxury; where the palace rises in insulting contrast beside the hovel; where squalid want gazes despairingly at the pampered lord, as he rolls by in his chariot; where this very same infernal system grinds the bones of the poor to make bread for the rich; is it there that the gentleman's fondest anticipations for his country are already realized? Is that the altar of his political worship? Borne down to the earth with the crushing weight of a debt which, though the gold of both Indies swell her coffers, she cannot pay; convulsed and looking forward to convulsions more terrible, perhaps, than the agonies of revolutionary France, why should American statesmen counsel for us the course that brought her to this plight? How can republican statesmen admire "the pilot that weathered the storm," and threw the ship into the trough of the sea to roll away her masts as soon as the storm was over, and become the water-logged and unmanageable hulk that she now is? A bad pilot he: and long will the crew regret that they did not throw him overboard. Yet gentlemen, jocosely calling themselves whigs, stand upon this floor, British tories of the Pitt school, advocating to the utmost the tory policy of protection, at all costs and all hazards, even at the sacrifice of the natural interests of the country, of all sorts of artificial and hot-bed interests.

The gentleman from Nantucket mounted the resolution upon the pinions of an eagle, commissioned to bear the lightning of his wrath to Washington, having indued himself in the patriotism of Samuel Adams, to which I hope he has better claims than this British policy will ever establish for him, next falls upon the unoffending Mr. Cambreleng, with a view to prejudice us against its author. This is no legitimate argument. We do not oppose this argument on account of the quarter whence it comes. We try it on its merits, and condemn it on its demerits. So let us deal with the act. It is neither better nor worse because it is Mr. Cambreleng's bill. But lest a prejudice may have been excited, let us look a moment at the charges which are preferred. First, the gentleman tells us, "Mr. Cambreleng has always been *consistent* in his views and conduct!" To this allegation Mr. Cambreleng must plead guilty, and he has, alas! but few companions in his guilt. Had our great New England senator been "consistent"—a sin of which no sane man will accuse him—he would have been found side by side with Mr. C., writhing under the denunciation of the gentlemen from Nantucket and Worcester. But this inconsistency has saved him, and the chairman of the committee of ways and means must suffer alone. But, Sir, besides his consistency, he bears a mighty "spear, which thrusts through and through the manufacturing interests." I must beg pardon of the gentleman from Nantucket; though "*consistency*" does not belong to Mr. Webster, yet the "*spear*" does, and I cannot allow his hard-earned honors to be transferred to Mr. Cambreleng. About the year 1824, I believe it was, a public dinner was given to a part of the Massachusetts delegation in congress, at Salem, in honor of their opposition to what is now called the American system. The leader of the anti-tariff party of that day was toasted, and the sentiment ran somewhat after this fashion: "Daniel Webster, the staff of whose spear is stronger than a *weaver's beam*." Most richly did he then deserve the compliment; I will not sit by silent and see it taken from him, even if he has taken a weaver's beam for a weapon, and thrown down his trusty spear, it shall be laid aside for its right owner; the time will come when he will use it again. The gentleman from Worcester is even more severe. He is not content to charge him with borrowing Daniel Webster's spear, and with *consis-*

tency, which he did not borrow from that gentleman, but he tells us further that nobody is in favor of Mr. Cambreleng's bill, or opposed to the principles of this remonstrance, but those who are "afflicted with the monomania of free trade," and that "Mr. C. is, and always has been the great prince of lunatics on this subject." THE MONOMANIA OF FREE TRADE! Sir this nation went to war, a quarter of a century ago, for free trade and sailors' rights. We disputed the empire of this mistress of the ocean, we encountered that navy of a thousand frigates, — inheritors of the glories of Copenhagen, and the Nile, and Trafalgar; we encountered them, and covered ourselves with imperishable fame, in that unequal contest for FREE TRADE. And we that in our youth and boyhood beheld the shock of the two nations tilting on the Atlantic plain for free trade, have but just grown to manhood when we hear this free trade sneered at, in our public councils, as a monomania! Oh, glorious madness indeed, the love of freedom be a passion transcending the cold reason which sees only the privileged interest! I envy not that cold and narrow reason which only reckons dividends, and forgets the contributions from which they were accumulated. The people of this Union have paid seven hundred millions of dollars to the government, and more than twice that sum to the protected interests, yet the gentleman from Worcester forgets the poverty from which the surplus of these treasures has been wrung, and remembers only the heaps into which they have been collected. If he takes not a more comprehensive view than this of taxation and its effects, he will never go mad with the monomania of freedom.

Sir, this monomania of free trade was the most prevalent disease in this part of the country a few years ago. The free trade party embodied the learning and talent of this city, and of the State generally. The North American Review, edited by Edward Everett, was one of the organs of that party, and a noble organ it was; the Massachusetts delegation in congress was possessed with the monomania, and Daniel Webster, then the champion of correct principles in political economy, was "the great prince of the lunatics," if the gentleman from the neighborhood of the lunatic hospital (Mr. K.) is correct in his use of that expression.

The gentleman from Nantucket entertains the opinion that the objections against the remonstrance are chiefly against its *phraseology*. Indeed, Sir, its phraseology is very objectionable. In the time of Harry the Eighth, the university of Oxford issued an edition of the Bible in which the word "*not*" was omitted from one of the commandments. The omission was supposed rather to favor some of the characteristic propensities of the father of the Protestant reformation in England, yet the phraseology became thereby so objectionable that his majesty imposed upon the university a fine of ten thousand pounds. The phraseology of this remonstrance is objectionable precisely in the same way, because it contains propositions which, in the opinion of many of us, are directly the reverse to the truth. This is our objection to the phraseology, — we cannot vote for what we believe to be false. Those who believe it to be true, doubtless can vote for it with a clear conscience; *but I have not heard any man avow yet that he believes it.* The gentleman from Boston, (Mr. Gray,) whose exemplary candor I always admire, tells us frankly that in voting for this extraordinary document he allows himself a certain latitude of expression.

We do not go, says he, into a nice arithmetical calculation. And why not? The gentleman may well feel an antipathy to mathematics, since no calculation can be made which will not show that if any business cannot live under a virtual protection of forty-five per cent., the cost of further protection must be ten times greater than the profit. But, says the gentleman, we do not deal in lady-like and holiday terms, — we do not ask if every sentence, taken separately, is literally true; we judge this paper as a whole. But who compels the gentleman from Boston to take it as a whole, bolting without mastication the sentences which he does not profess to believe? There is no haste about this matter. Why not postpone it, till there is time to modify and amend, until every sentence shall be literally true?

Such a course would be more satisfactory to some tender consciences, perhaps too tender, who cannot vote for separate sentences which they do not believe, even though they should occur in the general effect of the whole paper. The gentleman maintains that we must allow ourselves *the latitude which an ardent lawyer assumes in addressing a jury.* Sir, the ardent lawyer is expected, by the jury, to use strong language, and there is another ardent lawyer on the other side to counteract any undue impression it may make, after which the cool-headed judge takes off the coloring that the two ardent lawyers have laid on, and exhibits the facts naked. But is it becoming the dignity of Massachusetts in a solemn and deliberate State paper to indulge in all the latitude of a partial advocate? When, in the name of Heaven, are we to speak the *literal* truth, if not when acting as grave legislators for this Commonwealth, interposing as a sovereign State to advise the general government of the whole country, with the sanction of the oath of God upon us? Is this a time for flighty rhetoric; for wild exaggerations, the truth of which every friend of the remonstrance has thus far declined to vindicate?

But, Sir, the gentleman from Nantucket, in the fury of his zeal for unconstitutional taxation, goes a little beyond the ardent lawyer, and enters on the domain of the ardent clergyman. He tells the gentleman from Hingham, (Mr. Folsom,) who moved, the other day, to strike out "the death warrant," that this language is *figurative*, and that he cannot conceive how one should object to it who is in the habit of interpreting very strong figurative language, which many understand literally in a different sense, to mean universal salvation. And then he asks the gentleman from Hingham to apply the same principles of interpretation to this remonstrance, that he would to certain passages of Scripture. Has the gentleman heard my friend from Hingham preach, or does he judge of his mode of interpretation only from common rumor? However that may be, I am not the less astonished at the construction which the gentleman proposes to put upon the passage. He must be aware, however, that congress would never guess at it without a clue, — and I presume he intends to add a note after the words "death warrant," saying, "this is a strong, oriental hyperbole, signifying universal salvation." I would suggest to the gentleman, however, that if he means so, it would be much better to say so, — to strike out the "figurative expression," and insert the "literal truth," — to strike out "death warrant" and insert "universal salvation," so that it shall read "the passage of the aforesaid bill into a law, *we believe* would be the universal salvation of the manufacturing establishments of New England." May I ask the gentleman to make the motion, so that there shall be no mistake, and the phraseology shall become less objectionable?

In sober seriousness, I cannot think it any thing more than an idle quibble, to pretend that the phrase proposed to be stricken out by the gentleman from Hingham, means any thing else than that this bill would totally ruin our manufacturing establishments, — a proposition which no man in the house has yet proposed to believe, and which several friends of the remonstrance have admitted they did not believe. Sir, when the yeas and nays are taken, if it should turn out that some two or three hundred members of this house do believe this startling proposition, I shall look on with wonder and astonishment. I shall be unable to comprehend how it is that they have kept the secret so long. I shall ask myself in vain, why is it that no one of these gentlemen, unless it be the committee who reported the remonstrance, gave us any intimation before his vote, though challenged again and again to avow it, that he believed in the *literal* truth of the creed to which he is ready to set his name upon the record.

Sir, gentlemen who conscientiously believe the remonstrance to be true, can conscientiously vote for it. I should sin against my own conscience, and stand self-condemned. With reference to my own vote, and the truth or falsehood of the declaration which that vote will convey to the world, I may use the words of Mr. Grattan, "If I should vote this measure, I should vote an impudent, an insolent, and public lie."

The editor of the New York Evening Post pays a high compliment to Mr. Rantoul in the following remarks: —

MONOPOLY IN MASSACHUSETTS. — The following sketch of a debate taken from the columns of the Morning Post, will show that there are some fast friends of equal rights in Massachusetts, and that they are exerting themselves to some purpose. Mr. Rantoul is one of the ablest antagonists of monopoly in that, or any other State.

The debate arose on a motion to recommit the bill to incorporate the Mansfield Mining Company, which, as it had been reported, enabled the company to purchase and hold real estate without limit as to location.

Mr. Thomas, of Plymouth, moved that the bill should be recommitted for further examination and inquiry.

Mr. Rantoul agreed with Mr. Thomas that the present was a suitable opportunity to recur to first principles, and arrest the rage for incorporations. The house could not proceed with too much deliberation upon the subject. Individuals were constantly giving way before the march of corporations; and he had actually heard a common lawyer say he hoped to see the day when the whole State would be inhabited by corporations. The lawyer was replied to by the remark, that when they did so, they would drive out all the ancient inhabitants; innuendo — that the freemen of Massachusetts would never submit to be the subjects of the corporations. He was in favor of re-committing the bill, as he was utterly opposed to its principles, — it gave to the corporation an unlimited range and duration. To pass it, would be to grant an eternal and immortal existence, as far as human power could do so, to a creature without a soul, with the privilege of roaming at large through the Commonwealth. If we were to have such a soulless monster, he would prefer to have it restricted to some limits, that we may know where to find it, if it violates the charter given to it by its creator. Mr. Rantoul regarded the general statute, which gives to the legislature a power to revoke the charters, if violated by corporations, as a dead letter, and notoriously inoperative. You may, said he, walk down State street and hear yourself sneered at, for supposing that the legislature can control them under that general law. Yes, the power of the government is daily derided in State street, and set at defiance constantly by the corporations. To go on increasing these corporations would be the height of madness, unless the people wished to be ruled by them, instead of the government.

The following are Mr. Rantoul's views respecting Oaths:—

> Every attempt to discredit a witness at court for showing his character for truth to be notoriously bad, seems to be a tacit admission, that a man who cannot be believed *without* an oath, cannot be credited *with* one. If we could place no confidence in the witness's word out of court, we should be slow to credit him, though he stood unimpeached upon the stand. If a man were giving in his testimony under oath, and no attempt were made to impeach him, still, if he were known to be, by one of the jurors, a man of doubtful veracity, and that juror could discover any motive operating upon his mind to make him swerve from the truth, he would give no weight to his testimony. Two classes of men, then, the notorious liar, and the man of doubtful veracity, are not to be believed under oath. For whom then is an oath necessary? Not for the man of undoubted truth and honesty, for it is superfluous to place any incentives before him.
>
> On no class then do they operate. They do not create uprightness, where it is wanting, nor strengthen it where it already exists; and we may set it down as unquestionable, that where there is no abiding principle of honesty or integrity in a man, the mere administration of an oath will not inspire him with a sacred regard for truth. If the pains and penalties of perjury have no terror for him, if the loss of character and respect among men, and the disgrace that must await his family and friends in consequence of it, does not affect him, and he can still the voice of conscience, there is every reason to suppose he can proceed one step further, and disregard his oath. When he has passed all these obstacles on the road to falsehood, is it not absurd to suppose that an oath will arrest his steps, and recall him to the path of truth? These are the great and primary restraints, and when a man has broken loose from them, all the oaths you can impose will fail to bind him, if he be under the influence of any motive to disregard them.

Mr. Rantoul's course in the legislature was distinguished not only by a fearless avowal of democratic principles, and a strenuous advocacy of democratic measures, but also by a liberality of sentiment which overleaped, in many instances, the bounds of party and of sect. He abhorred the spirit of religious intolerance. In an article in the Gloucester Democrat of January, 1835, he says:—

> Brutal religious bigotry made an exhibition of its true character a short time since in the Charlestown outrage, (burning of the convent).

We especially abhor that narrow spirit of sectarianism, whether in religion or politics, which carries division upon abstract and difficult questions into the intercourse of private life. If one line carries the mail on Sunday, is that any reason why you should not ride in their coaches on week days? If one man sees a truth which you cannot see, or is unable to discern a truth which is plain to your eyes, is that a reason for shunning his society, blackening his reputation, or discountenancing his industry? If the members of the oldest church in the world, who believe themselves to be treading in the steps of apostles, saints, and martyrs, cannot look with the same dislike that we do on a certain venerable institution, even if we are sure that they are wrong and we are right, even if we claim to ourselves, as many of us practically do, that infallibility which we deny to the pope, still this cannot be a valid reason for gathering mobs to attack them, burning down their houses, and threatening their lives.

In the session February 25th, 1835, a bill was reported in the house recommending the payment of indemnity to the proprietors of the Ursuline Convent, which had been wantonly destroyed by a mob. The discussion of this bill called out some of the ablest talent of the house. Mr. Rantoul's speech was one of the best of the session.

His presuming to make this eloquent appeal to the justice of the house in behalf of the Catholics, was ungenerously represented in a partisan paper of the day as an effort "to court the applause of those classes of the people who were influenced more by cant and declamation, than by honest principle and sound reasoning." To which insulting and ridiculous charge the Gloucester Democrat, says: — "Mr. Rantoul, O the coward! courts applause and popularity, by voluntarily connecting himself with a small minority, on the very question which has excited more popular feeling and odium against the minority, than any other during the session."

The charge against which Mr. Rantoul vindicated the Catholics, was that of not bearing true faith and allegiance to the government of the country of which they are citizens. This charge he proved to be utterly groundless and false, not by cant and declamation, but by an irresistible accumulation of historical testimony and undisputed facts. No member of the legislature was probably less a believer than Mr. Rantoul, in the distinctive doctrines of the Catholic church. The question upon which he spoke was one not of theology, but of civil right and justice; and in that cause he knew no fear. He proved this not only by this speech on the convent indemnity question, but by every thing he advanced on various topics touching liberty of conscience. He had no faith that a sound and healthy morality could be established in the sentiments of the public by a vote of the house. This is evident from what he said on the License Bill, already referred to. It is further manifest, in his remarks on a proposition in a report of the committee to revise the statutes to prohibit travelling on Sunday, unless induced by necessity or charity. "It is," said he, "rather too late to advance a doctrine so utterly incompatible with liberty of action and conscience. The wisdom of departed legislators, constrained them to blot from the records of civilization, enactments at which every sentiment of honor, morality, and independence revolt, and it is not a little remarkable that an attempt should now be made to revive doctrines, the suppression of which an enlightened people have approved. It would seem we have some men among us, who think the people utterly incapable of taking care of themselves or their consciences without being tied to the apron strings of the legislature."

His moral independence is signally shown in his rational views on the subject of moral reform. As temperance, or the subjection of the appetites and passions to the command of reason, is, like every other virtue, in a great degree dependent on education, Mr. Rantoul believed that excess in drinking, like any other sensual excess, was to be prevented or corrected chiefly by moral means. In reference to a bill regulating the sale of liquors, which was before the Massachusetts house of representatives, in 1835, he said: —

> If the government has a right to prevent one man from selling it for consumption, it has the right to prevent the manufacture; but as it cannot constitutionally do either, we hold that the best and most effectual plan would be, to make intemperance a crime and punish it as such; punish the retailer, who sells to every person who it is known makes an improper use of it. In this way the constitutional doubts would be removed, and the desirable object would be attained of suppressing intemperance. We believe such a plan would remove many of the difficulties

under which the friends of temperance labor, and at the same time it would accomplish the double purpose of suppressing intemperance, and securing to the people equal rights and privileges. Intemperance, like all other follies and vices, must be put down by virtue of public opinion. When severe and unequal restraints are imposed, from that moment opposition and resistance will spring up, and the best wishes of the friends of the cause will be defeated. It is an evil that cannot be rooted out in a month or a year, and if its friends pursue a straightforward course, using no other means than example, reason, and argument, their most sanguine hopes will be realized.*

In accordance with these opinions he moved an order in the house "that the judiciary committee report a law for the punishment of the crime of drunkenness."

As a further illustration of Mr. Rantoul's reliance upon the beneficent influences of intellectual and moral culture, for the advancement of temperance, the reader is referred to the following extract from the Gloucester Democrat, expressive of sentiments similar to those above stated.

We will not see a righteous cause brought into disrepute, and the steady and sure advancement of a great reform checked or stopped by the rash and injurious policy of professed friends. If the real friends of temperance wish to see the cause advance, they must set their faces against every attempt to coerce honest, upright, good citizens, who think differently from them, of a traffic which the federal government sanctions, which has been carried on, with some few restrictions to be sure, ever since the landing of our Puritan fathers, and to which some of the strongest advocates of temperance owe their fortunes.

No lasting or permanent good can come of any reform, unless it be brought about by calm appeals to the heads and hearts of men, — by conviction, — by moral influences.

It is as idle to attempt to drive men to do this or that thing, as it would be to undertake to shut out from the earth the light of heaven. Let justice be done without fear or favor.

In the Democrat of March 28th, 1837, occur the following remarks on an article in a warrant for a town meeting, proposing to choose a committee to prosecute all violations of the license laws: —

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* Gloucester Democrat, April 7th, 1835.

What more inquisitorial or arbitrary measure can be conceived, than the appointment of a committee for the avowed purpose of getting up prosecutions and plunging their fellow-citizens into vexatious and ruinous lawsuits? In what code of morals do the advocates of this measure find authority for such a scandalous project? If they should search the annals of despotism back to the bloody laws of Draco, they could find nothing more arbitrary or despotic. They would see nothing in all the dark details more abominable than the sending of spies and agents to draw their chosen victims before judicial tribunals.

Is it by prosecutions, fines, and imprisonment, that the public are to be enlightened, or the errors in public opinion eradicated? We believe it is rather by mild expostulation. Persuasion must be used. Arguments must be commended to the people with the kindness of charity,—supported by reason, and urged with the most scrupulous regard to the rights and feelings of all men. But if we appoint a board of inquisitors to prowl about and shake the terrors of a public prosecution over the heads of the people, we banish all kindly feelings, and arouse at once all the bad passions of our nature.

Whenever an evil of great magnitude appears in the community, or a great nuisance exists, it will always arouse those on whom it operates, so soon as it becomes intolerable, and therefore is a fit subject for prosecution. We may set it down as an axiom, that a public prosecution is unnecessary while the individuals affected by the evil are not provoked to get it up and carry it forward. To appoint a committee for such an object, would be officiously endeavoring to draw down upon individuals the vengeance of the State.. The innocent as well as the guilty might suffer. Any man might be accused; and, however innocent, would be subjected to the pains and expenses of a lawsuit, before he could make his innocence apparent. Furthermore, if there should be a standing committee for prosecutions, it would furnish a temptation for the litigious and quarrelsome to hunt each other down with indictments. It would be found a convenient mode for revenge. Every man in the community would be in danger; and thus we should establish an inquest in this enlightened age, for which we could find no parallel, except in the doings of the odious star chamber, or the still more tyrannical achievements of the Irish informers.

These opinions, so clearly expressed, and so accordant with his general political principles, and his convictions that moral means were to be chiefly depended on to promote the great objects of moral reform, are all in substance that he has left us in writing to indicate his views of so interesting a subject.

In relation to religious toleration, his course on the convent question was not more philosophical or independent than in the debate on the Witness Bill. Mr. Blake, having remarked that the administration of oaths was a Christian institution, Mr. Rantoul replied that it was of heathen origin; and that for the first three hundred years of the Christian era, the Church, giving to the text, "swear not at all," a literal interpretation, refused to take the oaths required by the Roman laws; and for resisting their administration, they had been persecuted and put to death. They would not swear by gods in which they had no belief, and by persecuting them, and by depriving them of their rights and lives for that refusal, the Roman emperor did precisely the same as our courts do now, by outlawing a witness because he does not believe as Christians do. Mr. Rantoul said, that Christians did not adopt the ceremony of the oath until the Emperor Constantine espoused the Christian religion.

Mr. Rantoul gave way to a motion to adjourn, and gave the conclusion of his remarks on the Witness Bill, in answer to Mr. Blake, February 23, 1837, as follows: —

My main objection to this amendment is, that I am in favor of the whole bill as it now stands. The object of *a judicial* inquiry is to ascertain truth, in order to do justice. Why, then, shut our eyes to any of the sources of truth? In every other inquiry we examine all the witnesses, and give them all the weight they seem to deserve. Much more should we do this in a court of justice, where the exclusion of a single witness often reverses the appearance of the case, and works gross and manifest injustice.

This disqualification seems to be persisted in from a feeling of hatred to the infidel. Not that he is disqualified from telling the truth, which all men tell naturally, but he is excluded from court to punish him. On whom then does the punishment fall? Generally upon the party who calls the witness, and who is guiltless of the sin of not believing. He is made to suffer, although he hears for the first time of this defect after the witness is on the stand.

But suppose you could, in all cases, punish the unbeliever himself, without harming any innocent person, what is the crime for which you punish him? Belief is involuntary. It is therefore no merit; nor is disbelief a demerit. To one mind certain evidence is conclusive; to another it carries no conviction. Let any man try to believe that a triangle is a circle, and if he were to gain the wealth of worlds he cannot.

So the man who sees the existence of the Deity written as it were with a sunbeam on every page of the great volume of nature, cannot disbelieve. Should he punish the man who is blind to that sublime truth? As well might the majority, who possess a healthy vision, punish the jaundiced because they cannot see objects in their true colors.

But if we are to assume to ourselves that infallibility which Protestant Christians deny exists on earth, — if we are to create ourselves into six hundred popes, and determine by a major vote whose belief is sufficient before God, and who is to be spurned and trampled on like a worm, because he does not profess the established religion of the State, upon what principle shall we draw the line? Why not banish, and scourge, and hang Quakers and Baptists, as our pious fathers did, within sight of the spot on which this state-house stands? Or, if you have both the right and the power to penetrate the secrets of the soul, why not bring to trial and execute men for a solemn compact with the devil, according to the wisdom of our ancestors? Sir, if the government is to meddle with a man's religion, his conscience, his private thoughts, I know not where they are to stop. The union of Church and State, heathen persecutions, Spanish inquisitions, — the intolerance which drove the pilgrims from their native island to the inhospitable coast of Massachusetts Bay, and the more cruel intolerance of those pilgrims themselves, which drove Roger Williams through the winter's snow to Providence,—these and all kindred enormities may be defended and justified by the logic which gives to government the power to adjudicate upon men's creeds, and allow to one advantages which it denies to another.

Frail, erring, and presumptuous man! Why undertake to be wiser than your Maker? He has made no outward and visible distinction between the unbeliever and his fellows. He has not stamped upon the visage of the atheist the seal of his reprobation. Are not all men brethren, childen of a common Parent, created in the same image? Do they not all breathe the same air, enjoy the light of the same sun, exist upon the same bounty of the Giver of good? God governs all by equal laws, by laws which in this mortal state, and as far as human eyes can reach, reward or punish, not speculative belief, but moral conduct. Shall we exempt from the protection of our laws, which profess to protect all, certain individuals for their religious sentiments, when we have sworn that no man shall be hurt or molested for his religious sentiments? God admits the atheist into the temple of nature, and invites him to worship there; let us hope, that though now blind to the presence of the presiding deity, the scales may one day fall from his eyes, and that he may joyfully accept the gracious invitation. Let us not confirm him in his error by closing against him the doors of the temple of justice. Let us not, by persecution and outrage, kindle in his breast a fanaticism in error, a furious zeal of proselytism, which may prove the prolific source of more atheism than cold-blooded speculation, uninspired by the suffering of wrong, could produce to the end of time. The blood of the martyrs is not only the seed of the church, but the blood of the heretic is the seed of heresy. If you would propagate atheism, then do the atheist a great and public wrong, and let him hereafter carry on his crusade against religion under the banner of justice. But if you do not wish the atheist to extend his principles to thousands who are now good Christians, by means of the sympathy your laws create in his favor, then make him free and equal with yourselves, as he was born; then restore to him the natural, essential, and unalienable rights of which the law, without warrant from the Constitution, has deprived him.

The Emperor Julian, the apostate, said of the Christians, Let us pity them, not hate them, for, said he, *they are already sufficiently unfortunate* in being in error in such important matters. It would be well for Christians to learn a lesson of toleration from this heathen. We may compassionate the condition of the sceptic, but we are not commissioned to inflict upon him retribution for his blindness. Why then exclude him from all offices of trust or honor, and withdraw from his property, his liberty, and his life the protection of the laws?

If the President of the United States, chosen by the unanimous vote of the electors, or the governor of this Commonwealth, unanimously elected, were challenged as an atheist, and sufficient proof exhibited of the fact, he could not enter on his office, according to the theory of the gentleman from Boston, for he could not be sworn. Does the gentleman believe the express will of the people could be defeated? and does he approve of such a power? Yes, and he approves also of his outlawry. Interdiction from fire and water could hardly be more fatal. He cannot give his books in evidence, he cannot take the poor debtor's oath, he can have no redress for any injury done to his person, he cannot swear the peace against the man who should threaten to shoot him. He may be plundered, imprisoned, assassinated; a Christian community smiles at the idea of his wrongs; the laws and the Constitution are not for him.

Not only so, but the most exemplary Christian in the world may be murdered in the presence of an assembly of sceptics, all willing to testify and submit to the severest cross-examination, yet the crime shall go unpunished; and to show our pious hatred for our unbelieving, the obligation of society to do justice to its members shall remain undischarged, rather than the court shall hear truth from the lips of an infidel. Often, very often, is the Christian punished for the unbelief of the infidel.

If all this were just, the rule would still be absurd, for it proposes a test which cannot be applied. There are abstruse questions of theology to be settled in determining what an atheist is. The gentleman from Boston believes there never was such a being in existence. The best and wisest man of heathen antiquity, Socrates, drank the hemlock under a charge of atheism, — that charge we now know to have been false. The early Christians were put to death as atheists, because their ideas of God were more spiritual than those of their persecutors. Sir Isaac Newton, a devout worshipper, was assailed with the same imputation, because his ideas of the nature of matter agreed in some respects with those of Epicurus. Spinoza has always been looked upon as an atheist until late years, yet the gentleman from Boston thinks it is proved by writers of high authority that he was not so. There are now professed Christian writers, whose expressions, with regard to the nature of the Deity are very much the same as those of Spinoza, — a sort of modified pantheism. Lord Brougham has demonstrated, says the gentleman, that Mr. Hume was not an atheist. If the man whom all the world believed to be an atheist is now demonstrated not to have been, how is the court in any given case to settle this difficult question? Suppose the witness answers, I believe as Mr. Hume believes, and should illustrate his meaning by passages from the writings of Mr. Hume, — if the gentleman from Boston were the judge, he would admit the witness to be sworn; many other judges I think would exclude him.

Even the courts of Great Britain had been sorely puzzled with whole classes of cases, that had come under the law as it there existed. It was at length admitted there that every man should be sworn according to his religion. The Hindoo, the Chinese presents himself, and his testimony is admitted. A Chinese atheist is a good witness, — but a native atheist is not. There is no common law definition of a deity, and yet the law says that a man must believe in a God. The question arises, — what sort of a God you believe in? The Hottentot is called to the stand. Do you believe in a God? Yes. And in what sort of a God does the Hottentot believe? Why, in a block of wood carved by his own hands. He wants rain, and whips his god, — thinking by this castigation to procure the desired shower. Thus his god is not a being who controls him, but one whom he controls. And yet the Hottentot is a good witness. Where is the line to be drawn that shall indicate the kind of deity in which a witness must believe?

But suppose the rule was definite. Suppose that the common law had found out a legal deity, and fixed the nature and degree of belief necessary to qualify a witness. How are you to get at the fact of belief? There is no way. You establish a conjectural rule, and apply it by conjecture. There is but one man in the world who knows the facts, and that one the gentleman from Boston would exclude by his amendment. The case mentioned by the gentleman from Nantucket deserves consideration. A witness had conscientious scruples about taking an oath. The court did not believe him. The gentleman from Boston would now introduce the evidence of third persons to say whether or not he entertained conscientious scruples. How am I to know what are the conscientious scruples of another man? It is absurd to attempt proof of a fact by witnesses who cannot possibly know the fact. How can they swear to a man's belief? On loose conversation, on vague assertions, carelessly made, and never perhaps seriously intended? What fatal mischiefs would occur, — what danger to life, liberty, property, — if such charges were to be substantiated by such testimony! Conspiracies might be easily set on foot, which would exclude the most pious believers from our courts of justice.

I stated yesterday that the law divided infidels into two classes, — the honest and dishonest. To the dishonest infidel who would not avow his infidelity, it is said, Go on to the stand and testify. To the honest infidel who made no secret of his unbelief, who might yet be a very worthy, honest, and conscientious man, the law says, You 're a truth-telling rascal, and must not open your mouth in a court of justice.

The gentleman from Boston was delighted with this rule of the common law, — because it was something very old, — it was a relic of antiquity, and was therefore attached to it, and therefore did not wish to see it abolished. Now, if the gentleman is really so fond of antiquity, and will cling to errors because they are old, — why did not he go back to the very dawn of time, and avow his love of other horrible usages because they are old? Cannibalism is something very ancient, — the most devout admirers of antiquity can with difficulty find any practice more ancient than that of feeding on human flesh. It is a good deal older than the common law. Does the gentleman approve of the usage because it is old?

The gentleman had alluded to the exclusion of interested witnesses, as another valuable principle of the common law, — and had suggested to the gentleman from Malden to read us a homily on this subject. Does not the gentleman know, that a vast proportion of the chancery jurisdiction of England has grown up from this very defect in the common law? Are interested witnesses less likely to tell the truth in a court of chancery? And yet it is now laid down as the prevailing opinion in England, that there is less perjury in the courts of chancery, where interested witnesses are permitted to testify, than in the courts of law from which they are excluded.

But, says the gentleman, oaths are abolished by this bill. I do not admit it, — but suppose that they were. In that case we should approach something nearer than we do now to the primitive Christians. We should imitate them rather than the heathens. I am afraid, however, that we shall not be made primitive Christians by the passage of this bill. This bill does not abolish oaths, any more than the exception in the present law with relation to Quakers, abolishes oaths. Any man can now avoid taking the oath, if he makes the necessary declaration.

The credibility of a witness depends on his character. Those who will not tell the truth without an oath, will not tell the truth under an oath. If a man is known to be an habitual liar, the jury will not credit him under oath, — no matter what may be his professions. He may be a pious frequenter of prayer-meetings, but the jury care not a fig for his professions. We should judge of men by their works, not their words, — as we were directed by the founder of our religion. In our dealings with the world, we do not ask what church a man attends, in order to know how we are to consider him. We judge by his conduct. Is he fair and honest in his conduct? If he enjoys the reputation of being so, we deal with him accordingly. If he is known to be in the habit of cheating, we watch him vigilantly, in spite of his professions.

This discussion may be considered as quite thrown away. The question is settled by the Constitution of the United States, and that of Massachusetts, both of which we are sworn to support.

The Constitution of the United States recognizes the fundamental principle, that government has no right to interfere with the religion of the citizen, which is a matter in which he is accountable to none but his God. The sixth article of that instrument concludes with these words: "No religious test shall ever be required, as a qualification to any office, or public trust, under the United States." This is, of itself, an answer to the remarks of the gentleman from Boston, touching oaths of office. Incapacity to take an oath could not exclude the candidate elected, for his affirmation must be received, under this article. There can be no stronger reason for such a test under the government of Massachusetts, than under that of the Union, and our State test of religious belief was, no doubt, intended to be wholly done away by the sixth article of the amendments adopted in eighteen hundred and twenty-one, which dispensed with the profession of an established religion of the State, as had been before required by the first article of the sixth chapter of the Constitution.*

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* Mr. Winthrop, of Boston, afterwards argued against the bill, because if the Constitution had not been altered, *it would have contained a religious test.* True, if America had not been discovered, we should have been Englishmen, under a mon-

The people of the United States were not satisfied with the simple exclusion of a test from the federal Constitution. The first article of the amendment secures the first principle of religious liberty. "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The reasons of this restriction on the powers of Congress, apply in all their force to prevent a State legislature from exercising the forbidden power. But how far does it fall short of an establishment of religion, if one sect, however numerous, are alone admitted to the courts, and enjoy the protection of the laws, while others, however few, are outlawed, and deprived of the benefits of good government, without indictment, trial by jury, hearing by counsel, or examination of witnesses in their behalf, and often are even compelled to be witnesses against themselves of the very crime upon which the outlawry follows.

Our fathers, whose wisdom it is so fashionable to extol in speeches, and forget in practice, intended that grave questions, such as this, should be settled not with reference to the express letter merely, but to the spirit and principles of the Constitution. This they enjoined upon us in the eighteenth article of the Bill of Rights. "A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government; the people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and *representatives;* and they have a right to require of their lawgivers and magistrates, *an exact and constant observance of them*, in the formation and execution of the laws necessary for the good of the Commonwealth." Let us recur, then, to these fundamental principles of the Constitution, as illustrated in the Bill of Rights, and see how they bear upon this question. The twenty-ninth article begins with these words: "It is essential to the preservation of the rights of every individual, his life, liberty, prosperity, and character, that there be an impartial interpretation of the laws, and administration of justice." How can justice be impartially administered, while one class of citizens are shut out from the equal protection of the laws, by a religious test, though persecution for opinion's sake is abhorrent to the genius of our institutions, and disclaimed in terms by all sects and parties? It cannot be; for, by the tenth article, "Each individual of

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archy which unites Church and State. However, the revolution has severed us from monarchy, and in fact the test is abolished.

the society has a right to be protected by it, in the enjoyment of his life, liberty, and property, according to standing laws."

If the standing laws, by a religious test, deprive individuals of that protection which is their birthright, justice is not impartially administered. Tell me not that minors, lunatics, and married women are deprived of liberty by standing laws.

No laws or courts can give the lunatic reason, and capacity to testify. Wives and children are under the care of their natural protectors, but the ordination of God and nature are antecedent to the existence of civil society, which placed them under guardianship, affords no palliation for an infraction of the rights of conscience. Whatever be his religious faith or scepticism, by the eleventh article of the Bill of Rights, "every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character." Assault him with intent to kill him, rob him, maim him, and the atheist has no remedy, unless a believer looked on. Minors and married women, have a remedy in like cases; but a man may go into a society of a thousand atheists, if there should ever be such a society; he may kill as many as he pleases, and there is no remedy, no redress.

Though the Constitution, which we have sworn to support, declares that there should be a remedy, yet we all know that there is no remedy. Have we not sworn to pass this bill? Have we not sworn that there shall be a remedy? There will be none till this bill is passed. What says the Constitution, of the atheist as well as the Christian? "He ought to obtain right and justice freely, and without being obliged to purchase it, completely, and without any denial; promptly, and without any delay; conformably to the laws." Yet the rule of the law is, that he shall not enter the temple of justice but through the gate of falsehood; he must purchase it by the sacrifice of truth; if he will not lie, right shall be denied him; or, if his heart is known to the court, and they do him justice, they shall do it in violation of the common law. And "though no subject shall be held to answer for any crime or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself," yet he is held to answer without a charge, and then outlawed upon his own compelled testimony. And though he has a right to produce all proofs favorable to him, yet the testimony of his whole sect is rejected at once; he is despoiled, deprived of his immunities, put out of the protection of the law, without a trial by jury, and under a pretence of a difference of opinion.

Yet the preamble of the Constitution declares it to be the end for which government is instituted, to secure and protect society, "and to furnish the individuals who compose it, with the power of enjoying with safety and tranquillity, *their natural rights*, and the blessings of life;" and the purpose of laws is, "that *every man* may, at all times, find his *security* in them." "All men are born free and equal," is the sublime exordium of the Bill of Rights, "and have certain natural, essential, and *unalienable* rights; among which may be reckoned the right of enjoying and defending their lives and liberties."

"No subject," says the second article, "shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God, in the manner and season most agreeable to the dictates of his own conscience; or for his religious professions or sentiments." The object and end of government and laws, security, is denied to the atheist. He is thrown back upon his inalienable right to defend himself by his own arm, for the law will not defend him. Is he not hurt and molested?

His wife and children may be murdered before his eyes with impunity. Have we not sworn that this shall not be so? Let us support the Constitution, and pass this bill.

It is to be hoped that the liberal and just thoughts of this excellent speech, will yet meet the approval of every community, and men's opinions, like their looks, come to be considered individual personal possessions, with which it is not the business of society to interfere by legal pains and penalties.

The Ten Million Bank question, which occupied much of the attention of the session of 1836, received from Mr. Rantoul's hand its deserved quietus. Never, perhaps, did such a question receive, in debate, or the public journals, more thorough discussion. See the following from the Gloucester Democrat:—

There are very many objections to the proposition now before the legislature, to charter a bank with a capital of *ten millions of dollars!* We hope and trust that a majority of the legislature will not sanction this proposition to mortgage the property of the State to no good purpose whatever. Some of the reasons why this monstrous proposition should not find favor with any true friend of the State, and the happiness of the people, are:—

Because there are already too many banks, more than can live without violating their charters, as the recent investigation has demonstrated, and, moreover, we firmly believe that a majority, a large majority of the citizens of this Commonwealth, would reject this petition for an institution that will be powerful enough to make and unmake governors, and to control the business of the State at will.

Because experience has taught us, that when once established in power, these institutions not only set themselves *above* all law, but beyond the reach of the government itself; and the *panic*, *ruin*, and *distress*, produced by the Bank of the United States, in the exercise of its power but a few short months, admonished the friends of liberty, law, order, peace, and constitutional government, to pause and deliberate before they intrust any class of individuals with power equally as dangerous, and which may be wielded with energy sufficient to convulse the State and shake its institutions to their foundation.

Because the more banks there are chartered, the more unsteady and fluctuating the currency will be.

Because the effects of the present system are, when business is good and confidence restored, the banks loan more, — money being plenty, speculators are induced to engage in great and hazardous undertakings, — a system of overtrading commences, the channels of business will be choked, and the markets overstocked, — competition will begin, — goods will fall as rapidly as the rise has been sudden and general, — people who have made large purchases while prices were high, find their goods falling on their hands, — one thing follows another, until there is a general prostration of business. So that the paper issues operate injuriously in either case; by excessive issues, overtrading is invited, and a consequent rise of prices; on the other hand, when business is depressed and the prices low, the banks are obliged, for their own safety, to contract their issues, and, consequently aggravate the distress, and lower prices more than they would otherwise fall, if there was no artificial currency.

Because it is impossible to establish a specie currency as long as the legislature are chartering banks by hundreds, conferring upon them the privilege of lending *one* dollar for *two*, and investing them with power to make money plenty one day and scarce the next.

If an association of individuals wish to loan money, let them; no one wishes to prevent it; but it is wrong and unjust that a set of individuals who make it a business to let money, should be allowed to enjoy privileges which would be denied to men in other business. Would a grocer be allowed by the legislature to sell one pound of any article for two? Yet, has not the legislature as much authority to grant one as the other? Let banking be thrown open like all other business. Let not the government, instituted for the protection of the whole, protect one class more than another, and there would be thousands of victims snatched from ruin and bankruptcy. Let us stop here, and grant no more charters, but rather retrace the steps already taken, and punish those wicked and disobedient children who have violated the obligations under which they came into existence.

In the house of representatives of the State of Massachusetts, on the 22d of March, 1836, the question being upon the passage to a third reading of the bill to establish the State Bank of Massachusetts, Mr. Lawrence of Boston, in behalf of the committee who reported the bill, explained to the house the views of the committee. No one rising to reply, the Speaker, after a silence of a few minutes, stated the question, and was about to put it, when Mr. Rantoul addressed the chair as follows: —

Mr. Speaker, — I regret exceedingly that I should be compelled, as it were, to occupy the floor at this time, upon this question, not only because I must speak without a moment's time for preparation, on a subject which requires both consideration and research to do it justice, but because I do not know that I ought to expect the house to listen to me with patience, upon this or any other matter, after having heard my voice for so many hours of the last week or ten days.* But, Sir, a measure such as this, so abhorrent to the feelings and the principles of the people of this Commonwealth, shall not be suffered to pass by a silent vote. It is a preposterous proposition. One voice, at least, shall be raised against it. That voice may be sufficient to break the spell which seems to bind the house in silence, — and if I throw no light upon the question, I will delay its decision, till others, better qualified to do justice to it, have had time to arrange their ideas, and are ready to step into the arena.

Sir, we are now called upon to reverse the ancient, settled, and established policy of the State, to venture upon a radical change, — to try an experiment yet untried among ourselves, and which, where it has been tried, has produced sometimes embarrassment, sometimes an excited and feverish overaction, sometimes ruin. It is fifty-six years since our present State Constitution was adopted; for that whole time we have left the business of borrowing and lending money, and other banking operations, to individuals or corporations formed for the express purpose. The government has neither gone into this business, as a partner with citizens, nor on its own account. The recollection of the experience of the colony and province in banks and paper money, may have made our fathers cautious. Thirty years' suffering from the land bank down to 1750, and the calamities of a rapidly depreciating currency during the revolution and after it, were enough to open their eyes to the danger and mischief of tampering with the medium of exchange. Sometimes, Sir, I admire the wisdom of our ancestors quite as profoundly as those gentlemen who never cease to express their admiration. I will always adhere to the established policy of the State, where I can see no good reason to change it. It is a safe rule to let well enough alone. I am astonished to see my conservative friends, even those of them who are readiest, upon every proposal of improvement, however prudent, and however well tested abroad, or required at home, by constitutional principles, to cry out Jacobin, leveller, agrarian, anarchist. I am astonished to see them rushing headlong, to a man, into this new career of mad and reckless experiment. How is this sudden passion for novelty among our worshippers of things as they are, and uniform and consistent opposers of all improvement, to be explained? Is it possible that "*settled policy*" is a rampart to be defended to the last drop of blood, whenever it protects the peculiar interests of a select coterie, but that it becomes a phrase without meaning when it would only protect interests common to the whole people? If it be not so, why are our conservatives crying out for a change? Why not practise the doctrine they preach to us every day, and be satisfied with a system which satisfies the people, which, by their own showing, works well, the system of standing aloof from banking speculations, as well as from every other branch of trade? The city of Washington, by borrowing money in Holland, has become miserably poor, crushed to the earth by intolerable taxes, bankrupt. The State of Massachusetts, as the gentleman from Boston has just told us, was never before in so prosperous a condition as at this moment. It is now proposed that Massachusetts should imitate Washington, — that she should abandon, for the first time, her time-honored, and long and universally approved policy, which was marked out by her patriots and her sages, endeared to her by familiarity for half a century, and by success, more and more brilliant, which has conducted her to the high and palmy state of prosperity, in which the gentleman from Boston (Mr. Lawrence) so justly rejoices; and that instead of her own tried wisdom, she should follow bankrupt Washington to the money markets of Holland, where my friend from Roxbury imagines he can make excellent bargains, if he can be allowed to mortgage to the Dutch the hills of

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* On the question of Capital Punishment, in three speeches of great length, besides several short replies to Messrs. Boyd, Park, Gray, Rice, Walley, Knapp, Richardson, Winthrop, and Emerson of Boston, Austin of Lowell, Williams of Salem, Emmons of Hinsdale, and Stowell of Peru. That bill passed by yeas and nays, 234 to 171.

Berkshire, the valley of the Connecticut, thriving Worcester, active Middlesex, sober Essex, the farms, the factories, the warehouses, wharves, shipping, merchandise, labor, and revenues of the whole Commonwealth.

Perhaps he might do well; perhaps he might not do better than most speculators who have preceded him in similar adventures. The banking trade might be profitable to the government, though I incline to think the mackerel business might be more so; but before we embark in either, for one, I wish to know why. It is no answer to tell me that we shall make one and a half per cent. on five millions, by hiring that sum at four and a half per cent. and letting it at six. That has been true for many years; but when Massachusetts was much poorer than she is now, and therefore had more need to borrow, she wisely relied upon her own resources, and she has had no reason to repent of her choice. If it is necessary for her at last to open shop, it should not be a broker's shop, for there are ways innumerable in which she can make more than one and a half per cent. out of five millions of capital.

Not only is it our settled policy that the State shall not go into business either in partnership or alone, but for some years past it has been our policy not to increase the bank capital of the Commonwealth. Last year the committee on banks reported that we ought not to make any more new banks. That committee consisted of merchants, bankers, and capitalists. Their report was accepted. It was then considered settled that we had pushed the banking system too far; that we had suffered great evils under it, and that it was best, since we could not diminish the bank capital, to keep it stationary, until we should outgrow it. This was not the view of a party; it was the deliberate conclusion of a decided majority, after some weeks of animated discussion. The people were generally satisfied with that decision; they rejoiced at it. Nothing has occurred since that time to shake our confidence in the doctrine then established, but much that ought to confirm it. This session opened with heavy charges against the banks in this city; upon investigation those charges have been made good; it is proved that many of these institutions have habitually transcended the law, by taking usurious interest, and have contributed not to ease the money market, but to create and increase the pressure. Notwithstanding this known delinquency of the existing banks, notwithstanding the determination of the last two or three years that our banks are too numerous and our banking capital too large, we have now passed through several stages in this house, without debate, bills to increase the capital of several existing banks, and to grant quite a number of new charters. There are petitions for new banks in this city with the committee, upon which they have not yet reported. The petitions which have come in this session, ask of us, if we should grant them all, to increase the capital of our banks from *thirty millions to fifty-six millions*, and to increase the bank capital of this city and its immediate vicinity, *from eighteen millions to double that amount.* The house has begun by granting small banks first, upon the principle of rather extending a little further the present system, than entering upon a new policy. Must we grant all that is asked here, or may we exercise a discretion as we always have done heretofore? Suppose it to be that an increased business requires an increased bank capital to accommodate it; suppose we were mistaken in believing, last year and the year before, that our bank capital was already too great, still is it not, upon the first blush, and without need of argument, absolutely impossible that the bank capital which has proved sufficient to hurry the business of this city to its present vast, unprecedented, and critical expansion, should now require to be augmented, suddenly and at a single bound, one hundred per cent. beyond its former limits? Fain would I learn how such a necessity can be substantiated. There is nothing in the lectures of our financiers, thus far, whether printed for the study of the house, or delivered here for our instruction, which has the slightest tendency towards this conclusion.

But, Sir, the anxiety of our friends here, who seem to regard the incorporation of banks as a sort of modern political alchemy, grows out of a very strange, and a total misapprehension of the nature of wealth, and the nature of money. The creation of a bank creates no new capital; no, not a dollar. The capital must exist before it can assume that form. Pieces of paper are not wealth, except so much as they are worth by the ream. Promises written or printed on paper are not wealth, unless the promises are true; and then, though they are wealth in the hands of him who holds them, they are a deduction to the same amount from the wealth of him who made them, and consequently they neither increase nor diminish the wealth of the community. Two men cannot increase the amount of property they hold, by making promises to each other to transfer portions of it; the quantity of pork or flour they own will be just the same, though the one should promise it to the other, and the other promise it back again, a hundred times over. If two men are no richer in the aggregate by making multiplied and complicated mutual promises, neither are two millions, nor any other number of men.

The friends of this new project will agree with us so far. They will admit, for they cannot deny, that the creation of a bank does not directly increase absolute wealth; but they insist that it enlarges the circulating medium, and thereby brings into the market "*cheap capital*," which borrowers can trade upon and increase the wealth of the community by their speculations.

What is the meaning of "*cheap capital?*" Capital is not wealth, for it is admitted that a new bank makes no new wealth; capital then is money, and what is cheap money? Money is the measure of value. Compared with other commodities, *money is very cheap now*, for every thing else is very dear. This kind of cheapness then is not what gentlemen want; if they did, they would be satisfied with affairs as they are, for money has reached the extreme point of cheapness already. Will they tell us they would measure money, not by comparison with other things, but by itself? This is absurd; nothing can be the instrument to measure itself, because it must be equal to itself. What sort of a yardstick must that be which measured by itself would be a yard and a half long? Measured in the only way in which we can measure it, by its comparison with goods bought and sold, money is much too cheap already. There is probably a confusion of ideas in the minds of gentlemen, and when they speak of cheap capital, they mean, not a depreciated currency, but a low rate of interest. There are two questions, then, to be settled, before gentlemen can satisfy us that the proposed bank will answer their avowed purposes, to lower the current rate of interest. First, will this bank increase the circulating medium? Second, does an increase of the circulating medium lower the rate of interest? If both these points could be placed beyond dispute, it would then remain a question whether a high rate of interest, at particular short periods, is not on the whole a benefit, rather than an injury, to the community, by dividing among a greater number the exorbitant profits of speculations made at the expense of the community; and by checking, in the only effectual way, the spirit of ruinous overtrading. Behind this, another question would meet us, and that is whether, supposing a low rate of interest might be in itself very desirable at all times, and might be brought about by such machinery as that now under consideration, whether the great and undeniable evils of a superabundant and fluctuating currency would not be too high a price for this advantage.

How far will the establishment of this bank increase the circulating medium? Not so much, Sir, as some gentlemen seem to suppose,—not so much as it will increase the call for more money, but still enough to do mischief. The bills which this bank will crowd into circulation will, for the most part, force home an equal amount of the bills of other banks. The circulation of Boston, and of the State will be but very slightly increased, *at present*, by granting this bank, or all the banks that are asked for; though, when the money market is easy, additional banks would considerably increase the circulation. The business of the community will take up a certain amount of currency; all beyond that amount which is issued, is either forced back, because the business cannot take it up; or if not forced back, so far depreciates itself, and the rest, that the whole mass is worth no more than it was before the addition to its quantity. Our paper being redeemable in specie, it cannot be depreciated much beyond the point at which it becomes profitable to export specie, which point of depreciation it has already reached, and somewhat passed. But while a given amount added to the currency depreciates it precisely in the proportion which the quantity added bears to the whole mass, it nevertheless, by the circumstances under which it is issued, lays the foundation for speculations, promises interlaced with one another, and contracts filed upon contracts, vastly beyond that proportion. When these contracts come to be fulfilled, the additional currency does not afford the means of fulfilling them, and of course the effect of its issue is to increase the pressure in the money market rather than to relieve it. Nor is this all, or even the worst way in which it heightens the evil. The contracts made in a depreciated currency remain to be discharged after the price of money has risen; so that he who promised to pay ten thousand dollars when flour was ten dollars a barrel, and other things in proportion, if forced to perform that promise when flour is only five dollars a barrel, and other things in proportion, must sacrifice double the amount of property he received, before he can satisfy the demand against him. When this change happens, those who have extended their business most beyond their means, fall under the suspicion of inability to fulfil their obligations, and the general want of confidence growing out of such suspicions, greatly enhances what we call the scarcity of money, which among us is in fact no more nor less than the *scarcity of credit.* To attempt to increase the circulating medium, therefore, at a time when it is unnaturally distended already, would be both foolish and wicked: foolish, because it is impossible that any specie paying banks can much increase it, and because the attempt, so far as it succeeds for the moment, only makes the depreciation of our whole mixed currency more decided, and thereby forces the specie which is now leaving us, to flow out of the country in a broader and more rapid stream; wicked, because the distrust consequent on the overtrading which this attempt produces, together with the sudden departure of specie from the country, driven out by the depreciation of the whole currency, will infallibly compel the banks to curtail their discounts; the circulating medium will then contract itself, and rise in value; every debtor will be obliged to pay a greater value than he received, in proportion to the contraction, perhaps to his total ruin; the prices of all articles will fall, the holders of goods must sacrifice them, and in the common calamity of all the business classes, nobody will gain but the owners of money, — that is to say, capitalists. It is perfectly plain that this headlong and mad career of over-banking, with its necessary effects to shake and almost destroy confidence and credit, can have no tendency to lower, but will certainly heighten the rate of interest, already exorbitant, from over-banking and its consequences, more than from any other causes, — indeed, I may say, more than from all other causes.

To depreciate the currency for the sake of having "cheap moneyed capital" would be a sad mistake, and if pushed to the extent proposed by our friends who labor under the bank mania, no man can predict how calamitous will be the consequences, no man can set bounds to the ruin that will ensue. The fashionable doctrine seems to be, that the more banks and the greater the circulating medium, the better. We are told in the Exposition (page 37) that "the public exigencies require the establishment of an institution that will possess the power of increasing the existing moneyed capital of the community." On the thirty-fourth page we are told that "it is obvious to all practical men that business must be reduced, or there must be an addition made to our moneyed capital and circulating medium." On the thirty-third page we are told, to the no small astonishment of those of us who have studied the history of our commerce and navigation, from the arrival of the Mayflower to the magnificent navies that now issue from the harbors of Massachusetts and Maine, that our shipping "cannot be extended to the increasing demand for employment of our increasing population; nor perhaps be maintained on its present high level without a further supply of capital." On the twenty-eighth page, we read that to increase the fishing business "we require more capital"— which we are advised to obtain by running in debt wherever we can get trusted; in other words, by using "our credit at home and our credit abroad to the manifest benefit of the whole community, and above all to the poor and middle classes, whose wages and whose profits must always depend on the abundance and cheapness of capital. This is a truth," says the Exposition, "which admits of no more doubt than that the sun is the principal source of light which shines upon the earth." As if the great obstacle in the way of increasing the fishing business were not, at this moment, the abundance and cheapness of money — in other words, the high prices of every article required to fit out the vessels! As if the great cause of the high rate of interest were not that we have run so much in debt in various ways already! As if "the poor and middle classes" did not always suffer first, suffer longest, and suffer most severely, in their wages and profits, from any increase in the amount and depreciation in the value of moneyed capital! As if the assertion that "the poor and middle classes" derive a manifest benefit from such abundance and cheapness, were not as palpable an absurdity as to imagine that the July sun rays out nothing but visible darkness from the noon-day heavens! Such, however, is the popular doctrine of the borrowers, thrust forward at this moment to effect a particular purpose, well suited to that purpose, and urged with great ability and eloquence.

The bank advocates on this floor do not shrink from the full development of their theory. On the question of postponement the other day, they assured the petitioners for small banks, that the ten million bank should not stand in their way, — they even resented with some indignation the hint, that if the great bank was chartered the small ones could not be. They said it was a most ungenerous insinuation; that, in fact, the friends of the one were the friends of the other also; that they would grant all where a case was made out of want of capital, — which means, if it means any thing, that they would create banks wherever people had already gone beyond their means, without the stimulus to overtrading which banks will administer. They propose, therefore, consistently with the principles of the Exposition, to grant all the banks that are asked for, for there are none who cannot make out a case upon such principles. They propose to double the bank capital of Boston, and very nearly to double the bank capital of the State. I beseech the house to pause before they rush into this ruinous career. Let us have reasons, good and sufficient reasons, before we exchange our ancient prudent policy, for a course calculated only to encourage a feverish excitement, gambling speculations, and general overtrading, leading to disastrous fluctuations, if it should not terminate in the entire prostration of credit. There is no necessary connection between an increased circulating medium and a lower rate of interest; if there were, this application for so large a bank would be a little more plausible. Money facilitates exchanges as oil facilitates machinery, and more money than is necessary for that effect is useless and injurious when introduced, and flows off as soon as it can make its escape as naturally as too much oil from an engine. Just so much money is wanted for the business of any country, as that business will keep at a par value with money in other parts of the world. If there is less than we want, its value rises, and it flows in as it did in 1834; if there is more than we want, its value falls, and it flows out as it is now flowing out in 1836. The amount in existence is of no consequence, if it does not vary suddenly, and if we have our share. If there were fifteen-sixteenths of the currency of the whole world struck out of existence to-day, an ounce of silver to-morrow would perform the same office that an ounce of gold performed yesterday; the only inconvenience would be in adjusting the new prices; but after they were adjusted, business would go on and the rate of interest would be precisely the same as before. So if these petitioners could succeed in their efforts even so far as to double the circulating medium, and to prevent the specie from flowing off and the paper from contracting, so as to keep it double, after the prices had adjusted themselves a man must borrow two thousand dollars to make the same purchase which he would have made with one thousand: of course money would be as scarce and command as high interest as before. But another important consequence must not be overlooked; — though it would require double the money to make the same purchase, many more purchases would be made while the expansion was going on, and from the enlarged amount of speculations pending when the process of expansion came to stop, money would be scarcer, that is, interest would be higher than it was before. But this does not complete the solution of the problem. In fact, the more numerous contracts at double prices, would not be discharged in so cheap a currency as they were founded on, for the specie would flow off like water, and the paper vanish like smoke, until the currency had shrunk to its proper volume. Then a promise to pay made when the sum promised constituted a hundred-thousandth part of the currency, must be met when that sum is the fifty-thousandth part of the whole; and as more promises had been made from the stimulating effect of the expansion, the difficulty of obtaining funds to discharge them would be more than doubled.

The Exposition and the argument of the committee both proceed upon the confusion of two very different things — cheap money and cheap use of money — a depreciated currency and a low rate of interest. These seldom exist together for any length of time, though the Exposition treats of them as necessarily co-existing, or identically the same. On the contrary, a depreciated currency, if it does not find the rate of interest high, inevitably soon makes it so. A high rate of interest grows out of urgency of demand among borrowers, and a distrust of their credit among lenders, — both of which circumstances a depreciation of the currency must naturally produce. It must produce an urgent demand, because it raises the prices of all articles, and while prices are rising, every man sells for more than he gave, and of course imagines he is growing rich, and is tempted to rush into these profitable speculations to the utmost extent to which he can obtain the means. At the same time, the number of lenders is diminished, and the number of borrowers increased; for he who has money, if he lends it on short time, must expect to be paid in money worth less than what he lent; whereas, if he employs his funds himself by investing them in goods or land, he gains by the rise of prices just as much as he would lose if he lent his funds. The man, therefore, who would lend his surplus funds, even at a low rate of interest, when prices were steady and the money market easy, refuses to lend even at a high rate of interest, and perhaps becomes himself a borrower, when prices, rapidly rising, hold out to him the promise of an enormous profit. Let but a few lenders thus become borrowers, and it adds much to the urgency of a demand already too great. In this state of things a distrust springs up among the lenders. The shrewd and clear capitalists first perceive, what soon becomes apparent to everybody, that borrowers are involving themselves beyond their means, and may not be able to fulfil their engagements. They see that speculators, stimulated by the rapid rise, have overstocked the market with every thing that can be brought into it, and that this excessive supply is held at excessive prices, which of course must fall the moment the reaction begins, forcing holders to make immediate sacrifices, and rendering it impossible for those who have extended most, to realize, by any sacrifice, funds to take up all their notes. Entertaining these apprehensions, the money letter must be insured against losses which may result from such cases, by a higher rate of interest, which is thus the direct effect of an increase of the circulating medium, or *cheap capital.*

In reasoning upon the present state of things, however, it is best to look at things as they really are, and not as they are represented by the speculators. If their statements were strictly correct, they would present an appalling picture of the evils of our over-banking, and an impressive warning not to rush blindfold and headlong, through the same course, into general bankruptcy. It is not to be disguised, however, that these gentlemen have exaggerated the miseries which their mistaken policy has brought upon them, and which they are laboring with such misguided zeal to augment and perpetuate. We are told in the Exposition, (page 29,) of "the now existing rate of *nine to twelve* per cent." That document is dated February 6, 1836. We are assured that the pressure has been constantly increasing since that time, and might infer that the rate was by this time as high as eighteen or twenty-four per cent.; indeed the rate spoken of upon this floor was from one to one and a half a month, — that is, *twelve or eighteen* per cent. It is no doubt true that notes have been shaved, — they always have been, and always will be. It is also true that there has been more and closer shaving of late than is usual. But it is equally true, that of all outstanding credit of every sort, in this State, much more than nine tenths is at this moment at six per cent. per annum, or below that rate. Can any man believe that the existing rate of interest is twelve per cent., as a general fact, when stock, paying an interest of five per cent., and having twenty years to run at that rate, is selling in the market at five or six per cent. above par? Bank stock, upon an average, pays less than six per cent. for any number of years; yet here we have petitions for twenty-six millions additional bank capital. Is it possible, that while money is worth twelve per cent.

persons, *not capitalists*, but business men, are anxious to place *twenty-six millions* where it will yield them less than six per cent.? But the petitioners say this stock is all taken up, — and this while the stock of the Western Railroad, on which the prosperity of the city, and of large sections of the country, so much depends, after indefatigable exertions, cannot be taken up! It is not patriotism, therefore; it is the expectation of gain, which causes twenty-six millions of bank stock to be subscribed for; and the money proposed to be invested in these banks is not worth twelve per cent., nor seven per cent., — no, *nor yet six per cent., on any long time, and with good security*, in the money market.

Suppose a capitalist worth his round million falls off the head of Long Wharf. He cannot swim, he sees nothing to catch at, he gives up hope, when with joy he discovers a man on the wharf with a rope in his hand, who cries out, What will you give for the end of this? A thousand dollars. No! Ten thousand. No! A hundred thousand. No! Give me half your fortune, and you shall have it. Any thing, every thing! promises the drowning man: the rope is thrown to him, and his life is saved. Suppose now he keeps his word, and shares his fortune with the individual who took advantage of his necessity; would this instance of half a million given for two minutes' use of a rope, be quoted in the price current to show how cordage stands in the Boston market, and should we have seventeen hundred and thirty-six citizens, all liable to fall off Long Wharf, forthwith petitioners to the legislature, praying the Commonwealth to go into partnership with them in a rope-walk ten times longer than any in existence, the Commonwealth to send to Holland after the hemp, in order to secure an abundant supply of *cheap cordage?* I think these seventeen hundred and thirty-six citizens, instead of putting in such a petition, would rather learn the lesson that those who walk on a slippery brink should be careful not to fall overboard unless they can swim; a lesson it might be well to carry with us into the money market. The high rate of interest paid in particular cases, for a very short time, and just before two o'clock, when there is an urgent demand, and he who lends knows that he who borrows must have it, but perhaps does not know, sometimes, with the perfect certainty he could wish, whether it will ever be, repaid, is no indication whatever of the prevailing current rate of interest paid in solid business throughout the Commonwealth.

Perhaps we can trace more satisfactorily the effects of over-banking, and of that spirit of speculation and overtrading which over-banking fosters, by taking a historical view of the fluctuations they have produced in the commerce of the world, and more particularly in that of the United States. Fluctuations in business occur everywhere, but among an enterprising people, eager in the pursuit of gain, they are of course greater than among people of an opposite character. Whenever the demand exceeds the supply of those goods which can be brought into the market in a short time in greatly increased quantities, as of all imported and manufactured articles, business feels the effect of the stimulus, and is carried on briskly until the supply is carried so far beyond the demand, that prices fall and business is checked again. Then for a little while enterprise languishes, and business suffers a general depression, till the excess of supply is exhausted by the consumption of the country, when a new impulse is given to the energies of trade and industry, which continue active and prosperous till the supply again overtakes and outstrips the demand, and brings on another reaction. These alterations are natural and necessary, and every business man foresees them, and makes allowance for them in his calculations. With a currency which should be an unvarying standard of value, the check would seldom be very severe, but our currency is so contrived as to make that an intolerable calamity, which otherwise would only constitute pause enough to take breath in our career of prosperity, almost unmingled. A mixed medium of specie and paper, redeemable in specie, is highly elastic, and the most remarkable and deleterious characteristic of such a medium is, that *it expands when it ought to contract, and contracts when it ought to expand.* It not only contracts and expands when it ought not to, but precisely in the proportion in which it ought not to. When the market is scantily stocked, and prices having gone to the lowest point are beginning to revive, confidence returns, and a competition begins among those disposed to take advantage of the opportunity. They enlarge their operations rapidly, and soon push them to the verge of prudence. If the circulating medium could then be contracted, a wholesome and timely check would be applied to the disposition to overtrade; but it is just at this point that it expands itself suddenly, and irresistibly stimulates the propensity to overtrading. Business being brisk and profitable, banks are not afraid to discount freely; the loans which are obtained enable more buyers to go into the market, which of course runs up the prices faster. This, again, making business more profitable, increases confidence, and encourages the banks to issue, with more and more facility, vast quantities of paper, which they can do the more readily and safely because, while the currency was contracted, specie has been flowing into the country, and because, the same causes affecting all the banks simultaneously, no one checks the issues of the others by curtailing, as in a time of scarcity. The quantity of paper thus thrown into circulation, by cheapening the value of money, raises the prices of every thing else still higher, induces bolder speculations; the flood of paper from the bank is swelled to the utmost limits of their power to issue, and prices are carried to the maximum. The market is overstocked with goods bought at these unnatural prices, yet wild and improvident enterprises are set on foot for further supplies. Articles which our country is better fitted to produce, are imported for the artificial price; our own ordinary articles of export cannot be purchased to be sent abroad, on account of their nominal prices. Such has been the effect of an *expansive* currency, but it is a state of things that cannot last. Now comes the crisis, and the current turns. Exchange gets above the real par; specie is exported, because it is the cheapest article in the country, and the currency of other nations has not depreciated with ours. The glut in the market becomes apparent; first buyers, and then sellers, discover that prices must fall. Lenders tremble for their outstanding loans, and hesitate to enlarge or renew them. Speculators, with large stocks on hand beyond their real capital, find their credit beginning to totter, and hasten to get rid of them, which runs the prices down. The more prices decline, the more they are pushed to meet their payments, the greater is their eagerness to make sales, and the greater sacrifices will they submit to in raising money. The competition is now between sellers, and not between buyers, who fold their arms and wait for a further reduction; it is between borrowers, and not between lenders, who are anxious to get their funds out of danger. Mutual confidence ceases, and the depressed state of the market brings on a stagnation of all kinds of business. If now the currency could be enlarged so as to check the declension of prices, as soon as they had gone low enough for an average between the highest and lowest extremes of the fluctuation, much misery might be prevented; but it is at this stage of downward progress that the currency contracts. Distrusting their borrowers, banks become more sparing of their accommodations, and when one bank holds up but a little, it forces home upon them the bills of other banks and compels them to curtail, and in their turn cripple each other's power to extend relief. The specie basis, upon which their circulation rested, having to a great extent passed away from under it, they are embarrassed to redeem the bills that come in, and of course dare not trust out any thing more. Every man having resources at hand, instead of assisting his neighbor, husbands them grudgingly to meet his own payments, because he might not find the means when he came to want them. The amount of active circulation being much diminished, money in consequence rises in value, and nominal prices fall far lower than they would have done from the mere reaction in business under a steady currency. The distress and pressure terminate in a convulsion. Property is sacrificed to raise funds, and numerous bankruptcies break up all who have launched into extensive operations without a solid capital to fall back upon. The victims of the elastic credit which tempted them by the fictitious creation of imaginary wealth, which shrunk and withered to nothing in their grasp, curse their seducer, paper money, whose excessive issues, urging them onward when too impetuous, but failing to sustain them when most they needed support, have proved the fruitful source of ruin to thousands upon thousands. Such are the effects of a *contracting* currency, as all acknowledge while the tornado is passing over them. After the storm has spent its rage, we view with melancholy emotions the wrecks it has scattered along the shore, but those who rode it out in safety soon set all sail again, and those who now put to sea for the first time, crowd every inch of canvas they can spread to the flattering gale of a deceitful and short-lived prosperity, forgetting that the tempest only sleeps, in whose awakened fury they may founder, or, dashed on hidden dangers, be stranded and bilged like those who before them as gaily commenced a voyage of disaster.

That such has been, and necessarily must be, the effect of a fluctuating currency, and that a mixed currency, composed mostly of paper, is in its nature fluctuating, cannot and will not be denied. How then do gentlemen propose to escape the conclusion, that it is the height of madness to build up an institution that shall increase the fluctuation, overbanking itself, and with a tenfold power stimulating other banks to excessive issues, when the community are overtrading; contracting itself, and with tenfold power compelling other banks to curtail, after the reaction has begun and the crash is imminent? Why double the plagues with which we are cursed already? It is no answer to show, as the Exposition shows, that speculation has already pushed business far beyond its legitimate limits. It is no answer to show that our business is already greater than our capital and our credit, built up into an airy fabric of promises upon promises, is equal to, — so much the worse for the insanity that would add fuel to the flame of the burning fever. It is no answer to urge that other States are over-banking with unprecedented recklessness, — so much the more certain is the impending calamity; so much the more heavily will it fall, and so much the more imperative our duty to do nothing, and suffer nothing to be done, to make a crisis terrible which at best must be trying and severe. It is no answer to insist that the Western Railroad must be built, — if so, then build it. If the great interests of the Commonwealth require that avenue to be constructed, and it is not likely to be accomplished without our aid, let the State put her shoulder to the work.

But do not, as a preliminary step, increase the periodical derangement of the currency and the market, — make trade, even more than it is, a lottery; and impoverish many of those whom you purpose to benefit, merely because we can pay ourselves a bonus through the instrumentality of this monstrous bank, as if we must needs cheat ourselves of our own money, out of one pocket into the other, before we can use it. Excess of our business beyond our capital, over-banking in other States, and the Western Railroad, — these are the only arguments yet brought forward in favor of this bank. Neither of them answers my objection, but each sustains and strengthens it. How, then, shall it be answered? It has not been, it will not be, it cannot be answered.

I have described the general character of the fluctuations in business, not because they are unknown, but because their history is familiar to all, and, therefore, the force of the argument to be drawn from it must be felt by all. It cannot be resisted or evaded. It may, perhaps, be made more impressive, by the consideration of particular instances; and I will go over a period of twenty years to exhibit the certainty and regularity with which the influences I have been discussing, operate. It would be easy to go back to the history of the colonies, of the revolution, and of the stagnation after the war, and before the adoption of the federal Constitution, the revival of credit and commerce after the Constitution, the pressure of 1797, and so on, through the embargo, non-intercourse and war, and demonstrate the action of these influences throughout the whole of our existence. But great political revolutions, military operations, and sudden changes in our foreign relations, make the inquiry more complicated, and, for the present purpose, less instructive. We will begin, Sir, after the close of the late war.

1. In 1816, over-banking arrived at its highest point. The banking capital of the United States had been increased from $52,610,000, January 1st, 1811, to $89,820,000, January 1st, 1816. The increase in bank note circulation has been estimated at a vastly greater proportion, from about *twenty-eight* millions in 1811, to about *one hundred and ten* millions in 1816. The sudden contraction of this circulation by the resumption of specie payments in 1817, reduced it to about sixty millions. Such an expansion and contraction will sufficiently account for all the disasters of that gloomy period.

2. In 1819, came on a very serious crash. The United States Bank had commenced operations in 1817, and was by this time in full blast. It had drained the whole Western country of its specie, broke the Western banks, and then closed its Western offices, and left them, without specie or paper, to recover as they could. This is what is called *regulating the currency*, and it is to be one of the principal objects of our ten million monster to regulate the currency. So terrible was the regulation that the United States Bank itself was brought to the brink of

bankruptcy. In the words of its energetic president, Mr. Cheves, "all the resources of the bank would not have sustained it in this course another month: such was the prostrate state of the bank of the nation, which had only twenty-seven months commenced business, with an untrammelled capital of twenty-eight millions of dollars." The effect of this first regulation of the currency by the Bank of the United States, was a ruinous fall of prices, enormous sacrifices of property, and calamitous failures almost innumerable. A chaos of tender laws, stop laws, and relief laws, grew out of it in the west, to aggravate the distress and prolong the confusion.

3. In 1822, after business had extricated itself from the derangement of 1819, and got under way again, with that spirit of enterprise which leaves but a short space for pauses, a course of overtrading commenced, stimulated as before by bank facilities, and giving birth to another revulsion, just three years, or a little less, from the preceding. In Boston alone, one hundred and sixty failures occurred, mostly in less than two months, and similar disasters visited other cities.

4. But this did not prevent another rush into the wildest speculations; and in another three years, in 1825, a reaction resulted which prostrated credit, and swept the whole coast of the Atlantic. It fell with a tremendous and crushing force on the commerce of the country, and marked its path with wide spread devastation, not only of the uncertain gains of adventurers without capital, but of the accumulations of prudent and well conducted industry. Its consequences were only less appalling than those which in England, at the same time, followed similar extravagant commercial operations.

5. In 1828, after three years more, the money market was again thrown into disorder, and the utmost consternation pervaded the whole business community. Manufacturing had been most overdone, — that interest, therefore, was most exposed, and suffered most. All confidence in manufacturing operations seemed to be annihilated, and the stock was for some time almost literally worthless. There were, also, numerous commercial failures; trade was brought to a stand, and stagnated for that year, and great part of the next. This long continued pressure ceased in 1829, after the surplus stock had been worked off, and the industry of the country had time to recover from the shock, and adjust itself under the new restrictions of the tariff of 1828.

6. Four years of unexampled prosperity succeeded. As the resources of the country were developed, and new facilities were added every day to the cheapness, extent, and rapidity of intercourse, the proceeds of productive industry were augmented, and a healthy commerce expanded itself wonderfully. The wisdom which presided over our foreign rela-

tions, provided the opportunity for a safe and substantial expansion, by opening new avenues to commerce, by giving it additional facilities and security, by bringing capital into the country, in the shape of indemnification for foreign spoliations, by the free admission of goods which had formerly paid duties, and by the confidence, altogether unfelt before, in the soundness and stability of the existing prosperity, which a bold, but firm, judicious, and above all, a steady policy, everywhere inspired. These causes combined to keep off the evil day. They satisfactorily explain the fact, that, for the first time, more than *four* years, instead of less than *three*, intervened before the next revulsion. It might be delayed, but as it grew out of the nature of things, sooner or later it must come. Symptoms of overtrading began to be manifested. The imports, which, in 1830, amounted to seventy millions, had risen, in 1833, to one hundred and nine millions, an advance of about fifty-six per cent., in three years. Bank facilities administered all possible stimulus to the disposition to speculate and overtrade. The United States Bank may be referred to as a specimen, the more so, as it is the regulator; and when it enlarges its discounts, all the other banks enlarge theirs. In 1831, the mammoth bank extended its loans more than twenty millions of dollars, an advance of about *fifty per cent., in a single year*, upon its previous accommodations. In the first five months of 1832, it extended seven millions more, swelling its loans to the amount of $70,428,000. The banks generally, of course, followed to the limit of their means; there then was an adequate cause for the pressure of 1833 and 1834, and men of ordinary sagacity foresaw its approach. The country, however, was better prepared than ever before to sustain it, from the solid accessions to its wealth, gathered from four years of successful and highly lucrative enterprise. The distress, therefore, was comparatively slight, — it was slight beyond all former precedent, either in 1817, or 1819, or 1822, or 1825, or 1828 and 1829. It may be favorably contrasted with either of those periods, but it would have been still slighter, if some peculiar causes had not combined to aggravate it. In August, 1833, the great bank suddenly began to contract without any apparent necessity; before the first of October, their curtailments amounted to $4,166,000, while the public deposits in their vaults were increased $1,582,000; thus diminishing the accommodations almost *six millions of dollars in two months*, and compelling other banks to a still further diminution. This, of course, produced some embarrassment, and would have caused much more, but after the first of October, deposits of the public money were made in other banks, which discounted upon them as far as they safely could. This measure immediately alleviated the distress, as those who have contrived to forget the circumstance, may ascertain, by turning to the opposition papers of that month. It broke the force of the blow which the bank had prepared to inflict on the country. Though the bank exerted, with terrible energy, its destructive power, curtailing, from August to December, almost ten millions, and curtailing, in Boston alone, *four millions two hundred thousand dollars in six months*, it could not increase the pressure, and could hardly keep it up to the standard of September, until congress came together in December. Several gentlemen, of the highest order of talent, seconded the war of the bank upon the prosperity of the country, by a fierce attack on confidence and credit, which raged, with unmitigated fury, through a six-month's session. The panic which they originated and sustained, restored the pressure to its former force, and it was heightened by an extraordinary demand for several millions to meet the payments for cash duties, and on short credits, under Mr. Clay's bill. In the city of New York, three millions and a half were required for this purpose in a single week, in January, and large sums in all the great cities. But the panic ceased in June, instantaneously upon the adjournment of congress, and the pressure passed away with it, though the bank continued its contracting operation through the summer. From the first of August, 1833, to the first of August, 1834, the bank curtailed its discounts about seventeen millions of dollars, or more than one-fourth of their whole amount. It withdrew from our general circulation about three millions of its bills, and about three and a half millions of specie. The forced curtailments of other banks, and the compulsory diminution of their circulation, must, of course, be estimated at vastly greater sums. The last pressure, therefore, was, like former cases, merely a reaction, and lighter than usual, after overtrading, stimulated by an extravagant expansion of bank discounts, to which reaction there was added, by the United States Bank, a convulsion in the money market, and by certain political leaders, an artificial panic created for electioneering purposes.

The general law of fluctuations seems to be well ascertained and established. It occupies periods of about three years each, rising and falling within that space, with as much regularity as the billows of the ocean, and from causes as infallible in their operation. I have enumerated six of these fluctuations; nobody denies that we have passed through them, through every one of them; yet, Sir, men are found to deny that the seventh will ever come. Proudly arrogating to themselves the title of practical men, they sneer at this statement of facts and call it theory. Confident in their own instructive sagacity, they decline to render a reason for their opinions, delivered with dogmatical authority, but would have it quite sufficient that they, *practical men*, guess that it will be so. And if, Sir, I should show these gentlemen, as

I might do so easily, how regularly and infallibly they have been mistaken in all their conjectures for the last twenty years, and that the surest guaranty of any event has been, during all that time, their prediction that it would not happen, this would not for a moment shake their confidence in that judgment which rests on no foundation, in those conjectures that oppose themselves to all experience. Oh no! Being practical men, they have a right to sneer at all observation and its results. Because they are matter-of-fact men, they scorn to look at facts before their eyes, lest they should be led to draw an inference, — an operation unbecoming matter-of-fact men. Shakspeare considered it the prerogative of man to look before and after, but these gentlemen, in their hatred of all theory, will neither regard the experience of the past, nor heed the plainest indications of the future. They see that the pendulum, which has vibrated so long, is raised above its resting place, but they deny that it will ever swing back again. They have marked the rise and fall of the tides, and they believe the tradition of their uniform ebb and flow, from time immemorial, yet they say because it is rising now it will never fall again. They stand on the shore and count the waves as they break in perpetual succession; and as each rolls back discomfited, they exclaim, their motion has ceased; another will never come.

To those who do not choose to look at the general fact of these periodical revulsions returning with such uniform regularity, a narrower view may be exhibited, leading to the same conclusion with the same unerring certainty. If overtrading has always, after short intervals, brought business to a stand, is there not overtrading now? Our imports for the year 1830, were *seventy* millions, and for the years 1830, 1831, 1832, and 1833, in which last year business was over done, the average of imports was about ninety-six millions; yet in 1835, they are supposed to have exceeded *one hundred and fifty-one* millions; more than double the amount five years before. Manufacturing has also experienced a wonderful increase of activity during the same time. Speculations in land have been carried even further beyond the bounds of prudence than commerce or manufactures. To say nothing of the immense sums invested in timber lands in Maine, at prices so much above all former precedent, which obviously have contributed much to the local pressure in this section of the country, look only at the prodigious and incredible enlargement of the government sales. They had never amounted to a million of acres before 1815; but in 1817, the year of the first pressure I enumerated, they rose to more than two millions; and in 1819, the year of the second of those pressures, they rose to *five and a half millions of acres*. This was because "the temptations of the credit system, and the great rise in the price of cotton, induced larger purchases." But the fall of cotton in 1820, left the purchasers in debt to the government, over twenty-two millions of dollars; the sales were reduced to much less than a million of acres a year, and kept below that point till the rise of cotton in the speculations of 1825, gave a new impulse, and in 1829, they again reached a million of acres. In 1834, they *exceeded four millions* of acres, and in 1835, *nine millions* of acres, and the *mania still rages undiminished.* This cause alone would bring on a reaction. The creation of fancy stocks of every possible description is still more extravagant. Has this rush into speculation, of all sorts, been stimulated, as in all former instances, by overbanking? Undoubtedly; as a moment's consideration will show. In 1830, the bank capital of the United States was *one hundred and forty-five millions*, distributed among three hundred and twenty banks, having a circulation of *sixty-one millions.* In 1835, five hundred and fifty-eight banks wielded a capital of two hundred and thirty-one millions of dollars, and enjoyed a circulation of one hundred and three millions. Adding the banks created within the year past, and there can be no doubt that our banking capital *exceeds three hundred millions*, and the bank note circulation amounts, probably, to considerably more than *one hundred and thirty-five millions.*

In 1830, the whole specie in the country was estimated by Sandford at twenty-three, and by Gallatin at thirty-three, millions; the average may be near the truth, — say twenty-eight millions of dollars. In 1834, it had risen to fifty-five millions; specie during and after the pressure naturally flowed in rapidly: from the date of the removal of the deposits, October 1st, 1833, to December 4th, 1834, there arrived in specie twenty millions of dollars beyond what was exported. January 1st, 1835, there were forty-four millions of specie in the vaults of the banks; suppose twenty-six millions more to be in circulation, and we have an aggregate of seventy millions. The aggregate loans of the banks in 1835, were three hundred and sixty-five millions in January, and may have been extended in the past fifteen months a hundred millions more.

Has the great increase of the circulation produced its natural effect of raising the prices of all articles, and depreciating the value of money? He must be blind who does not see it. The prices of real estate have experienced an enormous rise, both in the city and in the country, in timber land, in new land for settlement, or held on speculation. All articles in market feel the effect. Flour is double what it was in 1830; mackerel is double; pork is more than double. Agricultural products, generally, it has been stated, are full fifty per cent. above their average prices. Imported articles are much higher than a fair average, notwithstanding the double importations; notwithstanding the great reduction of duties, which has saved the people of the United States eighty-five millions of dollars, on articles imported for their use, within the last five years. With the richest virgin soil in the world, in inexhaustible millions of acres lying uncultivated, we are now importing wheat and other breadstuffs, just as, in 1819, we imported fifteen millions of pounds of cotton. The exportation of specie has commenced, as it would have done long ago, had not an unusually large cotton crop, at unusually high prices, paid for much of the surplus importations. The average price of cotton, for seven years, from 1826 to 1832, inclusive, was ten cents a pound. In 1833, it averaged eleven cents, — in 1834, thirteen cents, — in 1835, a fraction short of seventeen cents. In 1830, the crop of three hundred and fifty millions of pounds, at ten cents, amounted to thirty-five millions of dollars; but in 1835, the crop of four hundred and eighty millions of pounds, will sell, at sixteen and two thirds cents, for eighty millions of dollars, — more than double the former sum. The crops of 1833 and 1834, were both immensely large, as well as high; but on the last crop, the exports ascertained on the Atlantic down to February 17, 1836, were 377,420 bags, — while to the same date, in 1835, they were only 340,379, and in 1834, only 309,976. The excess in quantity, and the enhanced price, have prevented specie from flowing out of the country, so fast as it would have been expected, and kept down the rate of exchange.*

Allow me, Sir, to recapitulate the signs of overaction in our business, and see whether there is room to doubt the fact. Setting out from the year 1830, as a point of depression, — for the last pressure was not severe enough or long enough to afford a starting point, — we find that the value of our cotton crop has more than doubled, and yet we are exporting specie. Our imports have more than doubled, yet the prices of imports are higher from twenty to more than fifty per cent., though we have been relieved from the payment on them of eighty-five millions of dollars in duties. Manufactured goods have also risen, in spite of the great increase of the business, and the diminished protection, to say nothing of improved machinery and maturer skill. Agricultural products have risen, some fifty, some a hundred per cent., and we buy bread cheaper abroad than at home. Corporations, for various speculations, have been increased to five times, or perhaps ten times, their aggregate amount five years ago. The public lands are selling with ten times the rapidity with which they had sold at any time for ten years previous to 1830. Speculation in other lands have been scarcely less excessive.

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* From March 1 to March 28, 1836, $216,000 in specie were exported from Boston, over the imports. It was also shipped from New York, in the same month, and elsewhere.

We look for the immediate stimulus of all this amazing overaction, and we find it in the diseased state of the currency and in over-banking. The specie in the country having been doubled since 1830, the banking capital has been more than doubled, bank facilities have been more than doubled, and the bank note circulation has been more than doubled, and the whole currency was more than doubled.

Population may have increased eighteen per cent. in the meantime, but if wealth had increased twice as fast, say thirty-six per cent., this would afford no justification for such an immense expansion.

A community drunk with this factitious prosperity, calls aloud for more stimulus, as naturally as a man exhilarated with brandy demands another glass. We are suffering under a scarcity of money, cry seventeen hundred and thirty-six petitioners, just as the man intoxicated to insanity will swear he practices total abstinence. The check just now experienced is a wholesome preventive. Let it have its perfect work, and it may save us from a terrible catastrophe. But if we give way to the entreaties of the patient, and feed his fever with superadded excitement, we shall be answerable to our country, to our own consciences, and before God, for the melancholy consequences that must ensue from such mad and wicked folly.

[Mr. Rantoul then went on to examine, at length, the objections to the magnitude of the proposed bank and to the details of the bill. Mr. Robinson, of Marblehead, also opposed the project with great energy and eloquence. Sixteen gentlemen made twenty-four speeches in favor of the bank, including the speaker of the house, and all the principal leaders of the whig party. On the question of the third reading the yeas and nays stood, for the bill two hundred and fifteen, against it two hundred and sixteen. Next day the vote was reconsidered two hundred and forty-two to two hundred and forty-one. Sixty-six of the majority were the whig delegation of the county of Suffolk, and two thirds of the absentees were probably opposed to the bank. The news of the position of the bill, (which was expected to pass,) would have brought them all in. It was, therefore, after a desperate resistance from a part of the delegation from Boston, with Mr. Billings of Conway, and Hon. Isaac C. Bates of Northampton, indefinitely postponed by a very decided majority.

It is thus referred, as its friends remarked, to the decision of the people, who will take care that their representatives in the next legislature, shall be instructed of the sentiment of their constituents upon so momentous a question.]

Mr. Rantoul was, on all sides, greeted with applause for his noble and successful efforts, in debate, to defeat a measure so fraught with evil as the Ten Million Bank project. The late Governor Hill, of New Hampshire, in a letter to the committee of citizens of Worcester, in answer to their invitation to be present to hear Mr. Rantoul's oration, July 4, 1837, thus speaks of him and his services in the cause of democracy:—"Your Commonwealth, the whole people of the United States, owe to Robert Rantoul, Jr., a debt of gratitude which mere partisans will not be willing to acknowledge. * * * * I would that every man and every man-child in the United States would read the speech of Mr. Rantoul. From incontrovertible past occurrences, he inferred that precise state of things which has since happened; his prophecy has proved to be history. The Boston merchants who petitioned for the Ten Million Bank, will admit that their condition would have been still more deplorable had they gained the object of their wishes."

The following is the decision of the speaker, and remarks of Mr. Rantoul, in the house of representatives of Massachusetts, January 17th and 18th, 1838, "That a stockholder in a bank is not interested in the laws concerning banking, so as to exclude him from voting or serving on a committee on those laws":—

Mr. Rantoul, of Gloucester, moved to excuse Mr. Mixter of Hardwick, from serving on the committee on a memorial of the associated banks of Boston, to whom had been referred so much of the governor's address as relates to banks and banking, on the ground that Mr. Mixter was a stockholder and director in the Ware Bank, and therefore excluded from the committee by the rule of the house.

A great number of gentlemen having spoken for some days against the motion, Mr. Rantoul replied, and called for the yeas and nays, which were ordered.

Mr. Park, of Boston, who was in favor of allowing stockholders to sit on the committee and vote on the question, inquired of the chair if bank stockholders could vote on the question of excusing Mr. Mixter from the committee.

The chair replied that they could vote on that question, and also serve upon the committee.

Mr. Sturgis, of Boston, who agreed with the decision of the chair, appealed from the decision of the chair.

Mr. Browne, of Boston, who was in favor of the decision of the chair, called for the yeas and nays on the appeal from the chair, which were ordered.

The chair then read an elaborately written opinion upon the point of order thus suddenly raised by its friends, resting its decision ultimately on the case of the Gold Coin Bill, in the British House of Commons, in July, 1811.

The question being on sustaining the decision of the chair, — no one else rising to reply, and the gentleman who appealed from the decision being in favor of it, and therefore not disposed to controvert the speaker's argument, Mr. Rantoul rose and said: —

That the question before the house was a very simple one. It was a question as to the construction of a sentence of plain English. The house had adopted an absolute rule for the constitution of committees, and that rule admitted of but one interpretation. The English language did not furnish terms which could more explicitly express the intention of the house than those employed. It is not proposed to repeal the rule. The only question any man pretends to raise, is as to its meaning; and its meaning is unquestionable.

The rule of the house is in these words: Rules and Orders, Chapter II., Article 13. "No member shall be permitted to vote, or serve on any committee in any question where his private right is immediately concerned, distinct from the public interest."

The chair imagines that a stockholder and director in a bank has no private right or interest, distinct from the public interest, and immediately concerned in the various questions concerning banks which are agitated at the present crisis, and which have been referred to this committee. Indeed! Is there no distinct interest here? What then means the zeal, not to say the fury, with which this question is debated? What generates all this heat? There are men enough in this house who do not own bank stock to constitute a very respectable and intelligent committee. If the owners of bank stock have no distinct interest, why this determination, at the expense of a week's debate, to keep upon the committee, apparently against their will, such stockholders and directors as have *accidentally* been placed there by the chair? What has produced so much excitement, so much anxiety, both in this house and out of it? Can any man shut his eyes to the distinct private interest which he meets when he walks down State street? Can I be blind to the expression of an intense interest in many faces around me? I have no skill in physiognomy if there be not a distinct interest working itself into action in most vehement and powerful feelings. That it is so, is open and notorious as noonday. If it were not so, we should discuss the question with as much coolness as any mathematical proposition; yet gentlemen march up to it, as to a great practical question, involving vast pecuniary consequences. It cannot be disguised, — the great banking interest is here, fighting hard and desperately for that which it has in its pockets, and that which it hopes to put in its pockets. Banks which are not needed for public accommodation, are *nuisances,* says the gentleman from Boston, (Mr. Savage). We have more banks than are wanted, — too many for the public interest, cry all the gentlemen from Boston, in unison, including those who voted for the last twenty or thirty. The whole banking system is rotten, says the gentleman from Boston, (Mr. Brooks,) it is like a bad egg, — not to be divided into good and bad, but all thrown upon the dunghill together. The owners of near forty millions of this rottenness are represented on this floor by a part of their number. Does the chair suppose that they will stand by, disinterested spectators, if the nuisance is to be abated? This is too large a draft on our credulity. However the party drill may make men vote, I shall still be unable to conceive how any man can suppose that gentlemen distinctly interested in banks have not a distinct interest in them.

The chair has remarked that the words, "*or serve on any committee*" are new. They are now for the first time introduced into the rule. True; they were introduced by this house, and for good reasons. So evident is the justice of this rule, that it was adopted by an *unanimous* vote. Not one man could be found to lift up his hand against it, so long as it was a mere abstract proposition. If the banks had not an actual interest in the question now pending, if members did not feel that actual interest pressing upon them, it would still remain an abstract proposition, just as it was before, and the house would apply the rule with the same entire unanimity with which, in an uncommonly full house, they adopted it a few days ago.

This rule, unanimously adopted, meant something. It still means something. When we incorporated into our rules one of the plainest dictates of propriety and decency, one of the fundamental principles of natural justice, it was not, I trust, a solemn foolery, a hypocritical farce, intended to blind the eyes of the public by professing a purity they never meant to practise. Most unwillingly shall I yield to the conviction, if it be at last forced upon me, that the pretended purity of this house is nothing but a humbug, — that the purity is on paper, in the abstract, — while "rottenness," as the gentlemen from Boston (Mr. Brooks) calls it, claims a majority on the committee on rottenness.

The chair has remarked that these new words are without precedent on either side of the Atlantic, and that he should find occasion to notice the extreme ambiguity which their introduction has occasioned. Sir, the circumstances which created the necessity for the new rule are unprecedented. The venerable gentleman from Boston, in front of the chair, (Mr. Blake,) has told us that he can demonstrate that a majority of this house are directly interested in banks. Was it ever openly avowed before that a distinct private interest could control the vote of this house? And now that this boast is made, and, as we have reason to fear, with too much truth, is it not time to inquire whether the predominant interest here intends to legislate for itself, to take its own affairs into its own hands, and set at defiance the public, whose interest is of an opposite character? A new state of things imperiously demanded the new rule, and demands that it be enforced. If there be virtue enough in this house, let it be enforced to the letter. If there be not, in God's name repeal the rule. Leave not these words of rebuke upon your order-book to shame your practice. Let not this house plunge into a course of prostitution preluded by a public proclamation of chastity.

Is there an ambiguity in this rule? I would be glad to learn what words could have made it plainer. To my mind it admits of but one construction. The rule as to the right of voting is more than two hundred years old, and the construction to be given to it is well settled. The chair has observed with truth, that the new words in the rule have "neither increased, nor diminished, nor in any way altered the terms, or the meaning of the terms, in which the nature of the private right or interest which is to prevent a member from taking part in the proceedings of the house, was stated." The only alteration is, that where a member could not vote, he cannot now serve on a committee. Whence, then, arises any new ambiguity?

The chair is of opinion, however, that the rule is extremely ambiguous, and that it is to be strictly construed to favor the right of the members to serve. The character of the rule demands, says the chair, the closest and narrowest construction of which its terms are capable, for it tends to deprive the people of their rightful representation.

Does the chair mean to intimate that this rule, in its natural construction, is unconstitutional? I think not. The gentleman from Taunton (Mr. Colby) broadly asserted that a man sent here had a right to vote on every question, that he was expected to do so, and that the constitutional rights of his constituents would be taken away if he were not allowed to vote and act on committees in every case. A little more legislative experience will teach the gentleman not to be quite so hasty in expounding constitutional doctrine. This rule, as to voting, was a rule of immemorial observance before the Constitution was adopted.

The Constitution allows to this house the power to make its own rules and orders. It was then within the purview of the Constitution that this ancient rule, required by the fundamental principles of the social compact, should be adopted by this house for its own government. The gentleman from Boston (Mr. Sturgis) had said that if the rule should be applied to cases like this, he would not submit to it! How he would resist it, he has not informed us; nor can this be his deliberate intention; it must be a random threat thrown out in the heat of debate. Neither of these gentlemen (Messrs. Colby and Sturgis) has proposed to repeal a rule which, according to their views, would seem to be a gross violation of the Constitution; and when the gentleman from Pittsfield (Mr. Hubbard) suggested the other day that the rule ought to be repealed, because of its inconvenience in the present case, no one was found to follow up the hint he gave.

But the chair is too well read in parliamentary law to run into any of these wild vagaries. The chair evades the rule, but does not ask for its repeal. The evasion resorted to by the chair is singularly ingenious and original; such as was never heard of before, and I am inclined to think never will be again. The chair submits, that "the first inquiry should be, not how deeply the private right or interest of the member was concerned, but how deeply the paramount interest of the public was at stake in the question. And, in the opinion of the chair, any important public interest would so overrule and cover up the personal interests and private rights of a member, which might be concerned, as to entitle him at once to his vote and to his voice on committees, or in the house as one of the representatives of the people." From premises so strangely paradoxical, one might anticipate the startling absurdity of the conclusion. To the eye of unsophisticated common sense, it would appear, that the more important the public interest concerned might be, the more necessary would it be to guard, with extreme jealousy, the purity of the tribunal who are to adjudicate upon that interest. Not so is the opinion of the chair. The chair gravely decides, that though in a matter of no importance at all, he would remove from a committee, or deprive of his vote, a member having a distinct private interest, yet where the paramount interest of the public was deeply at stake in the question, and the rights of the member seemed to come into conflict with the interests of the people, it would be the duty of the chair to sit by silent, and see the paramount public interests of the whole people sacrificed, and leave the interested member to his final responsibility to his immediate constituents, after the mischief is done. Thus the Pharisees of old, who strained at a gnat, could swallow a camel.

The chair is certainly perfectly consistent in deciding that this rule is to be construed strictly in favor of private rights, and against the public interest, where they seem to conflict; and that the narrowest possible construction should be adopted, even so narrow as to overlook entirely a private right, *no matter how deeply concerned*, in the very case where a paramount public interest being in jeopardy, the greatest injury would result to the Commonwealth from the refusal of the chair to apply the rule. The second of the propositions is perhaps as defensible as the first, and may naturally flow from it, and in advancing them both, the chair placed itself on purely tory ground.

Yes; the chair has a tory precedent for preferring private right to public interest, in the question of strict construction. But though the chair and British tories are on one side, I must be allowed to stand with Thomas Jefferson and American democrats on the other. The immortal author of the Declaration of Independence, the apostle of American liberty, has expressed himself very decidedly upon the point. He has drawn up a manual of rules of order for deliberative assemblies, which I have been weak enough to suppose would have more weight in the decisions of this house, than any misdeed of a tory House of Commons. Gentlemen profess great respect for Thomas Jefferson, while they scoff at the principles he laid down; I wish they would show their reverence in acts instead of words.

I hold in my hand Thomas Jefferson's Manual, which has long been considered the best authority, after our own rules and orders, for the general regulation of the business of the house, and I read from page 54th of the speaker's copy.

"Where the private interests of a member are concerned in a bill in question, he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of *decency*, but to the fundamental principles of the social compact, *which denies to any man to be a judge in his own cause*, it is for the HONOR of the house that this rule, of immemorial observance, should be strictly adhered to."

Mr. Jefferson was of opinion that the honor of the house required us to adhere strictly to the rule, and exclude all members where their private interests are concerned. The chair believes, that the nature and *effect* of the rule require of him the narrowest possible construction, and even a construction narrower than any man would have believed to be possible, if the chair had not invented and announced it. For the chair virtually nullifies the rule, by determining that in matters of no public consequence, indeed, it may apply; but that in questions where the paramount interest of the public is deeply at stake, however deeply the private right or interest may be concerned, and seem to come into conflict with the interests of the people, the rule shall be a dead letter. *De minimis non curat lex;* but the speaker's law cares for *minimis* only.

How far does such a construction protect the honor of this house, which this rule of immemorial observance was intended to protect? The house, like Cæsar's wife, should be above suspicion. If this rule is to be construed strictly in favor of either party, plain it is beyond debate, that the laws of *decency*, and the fundamental principles of the social compact, denying to any man to be a judge in his own cause, and the honor of the house, tarnished and obscured if its committees and its votes be subjected to foul imputations, overrule and cover up not only the private right and interest of the incompetent member, but any local or temporary interest which his immediate constituents may have in the question in which he is personally concerned. Their stake in the general welfare, imminently endangered by the defiance of the fundamental principles of the social compact, their interest in the laws of decency, deeply wounded by this gross violation, their paramount concern that the fountain of law should be preserved pure and unsullied, and the honor of the house spotless, all these high motives demonstrate that there is not a town in the Commonwealth that would not rejoice that its representative should be excluded, whenever the old Jeffersonian rule of immemorial observance would exclude him.

The gentleman from Taunton (Mr. Colby) conjured the house "not to send abroad through the land a trumpet voice proclaiming that this house is interested, and cannot do justice." "Such an admission," said he, "would bring down on this house a load of infamy." Sir, I join most heartily in that gentleman's conjuration. If in the plainest possible case, this house cannot apply the plainest possible rule, will not a trumpet voice ring through the land, proclaiming the fact announced by the gentleman from Boston, (Mr. Blake,) that the majority of this house is directly interested in the banks, and will not all the land infer, that therefore it is that the house cannot do justice, cannot obey the fundamental principles of the social compact, cannot regard the laws of decency, cannot remember the honor of the house, but, casting justice and the social compact, decency and honor beneath its feet, and shutting its ears to all remonstrances, pertinaciously makes men judges in their own cause? Whether such a suspicion, flagrant as their conduct will make it, will bring down infamy on this house, is for those to determine who persist in placing the house in an unenviable position before the world.

The chair in endeavoring to nullify the rule, remarks, that each of the terms employed in it would admit of a separate commentary. It is true, there are four specifications in the rule, each of which deserves a particular examination. To disqualify a member, he must have: —

1. A *private*, not a public, right.
2. A private *right* the word is, *not* interest.
3. A private right *immediately* concerned.
4. And *distinct* from the public interest.

If these four requisites do not concur in the present instance, then there never was a case which would unite them all. For, —

1. The right of the stockholder to his stock, and in the profit of it, which our legislation may affect, and which the bank stockholders evidently fear it will affect, is assuredly a private right. Do the public own the stock? Are the public entitled to receive the dividends? The chair does not profess an agrarianism beyond the doctrine for which Gracchus died. The rights of the stockholders, implicated in all the questions referred to this committee, are all of them private rights. And,

2. They are private *rights* within the meaning of the rule. Has not the stockholder the same right to his stock that he has to any other property, except so far as public interest may require this species of property to be regulated or modified? Has he not the same right to his dividends, that he has to the profit of any other property, except so far as the public interests require the dividend to be suspended? Do we not every day listen to learned lectures upon the inviolable sanctity of these private rights, whose very existence seems now to be questioned by their habitual champions? Are we not told that the State has made an express written contract with these stockholders, to secure their private rights; that their private rights cannot be touched by government, except according to the letter of that contract; and that the measures proposed by his excellency the governor are not within the letter of that contract? How, then, can any man pretend that stockholders have not private rights, immediately concerned, in the propositions of his excellency which have been referred to this committee?

The gentleman from Taunton (Mr. Colby) must have imagined he had made an astonishing discovery, if we may judge from the proud exultation with which he pointed out the peculiarity of the phrase, "private *right*," — and not private *interest*. Upon this distinction the gentleman expatiated widely, and while he admitted that the member might have a *private interest* in the questions before the committee, contended that he had no such *private right*, and therefore could not be excused. We should have been deprived of the pleasure of listening to the latter half of the gentleman's eloquent declamation, if he had read three lines further in the Rules and Orders; just as he would have forborne to entertain us with the former half, if he had previously paid a little more attention to the Constitution. The very next article in the

Rules and Orders, which the gentleman could not have read, settles this point against him. It is in these words: —

Chapter II. art. 14. "Every member, who shall be in the house when a question is put, *where he is not excluded by interest*, shall give his vote, unless the house for special reasons shall excuse him."

The member whose *private right* is concerned is, then, excluded by *interest*, for all others are required to vote. Private right, spoken of in the rule, is therefore private interest, and nothing else. The old rule of the house is undoubtedly the rule of immemorial observance, recorded and sanctioned by Mr. Jefferson, and his expression is, — "Where the *private interests* of a member are concerned in a bill in question, he is to withdraw." That those interested in our present banking system have a private interest in the continuance of its abuses, is too plain to be denied.

3. The private rights or interests of the stockholders are *immediately* concerned in the questions referred to the committee. It is not any contingent or remote interest; it is an interest as direct and immediate as any that language can describe, or the imagination conceive. The gentleman from Boston (Mr. Brooks) has remarked of the inquiry pending under the memorial, that "it involves the very existence of the banks." The gentleman spoke truly, and the banks so consider it themselves. The whole of their memorial is an argument, adroitly managed, to show that their charters ought not to be taken away for the non-payment of specie. The object of the memorial is expressed, on the tenth page of the printed copy, in these words: "Confidently believing that the legislature will consider, that the power to annul the charters of the banks is one intended to be exercised only in cases of delinquency arising from wilful mismanagement, and not to be applied to a condition produced by general causes, affecting the country throughout its whole extent, and *in which the banks had no peculiar agency*, (*!*) your memorialists respectfully leave themselves in the care, and under the superintendence, of that body, to whom is confided the charge of all the great interests of the Commonwealth."

It plainly appears from these words that the associated banks know very well that one of the questions which may be agitated in the legislature is, whether their charters ought not to be taken away. However confident the belief which they profess, if they had not been troubled with unpleasant doubts upon the subject, we should have never heard of this memorial. Dreading the power to annul their charters, they "respectfully request that they may be allowed the satisfaction of appearing before a committee of your honorable body, in order that they may have an opportunity of more fully explaining the course of their proceedings," — instead of setting at defiance the power that created them, as banks have done on some former occasions. The question is, shall the exclusive privileges of the stockholders be taken away by annulling their charters, and in this question each individual stockholder has as direct and immediate an interest as he would have in the fruit trees in his orchard, if the county commissioners proposed to run a highway over them.

The gentleman from Boston, (Mr. Blake,) with his usual sagacity, perceived this, and to avoid the unavoidable inference from it, he gravely maintains that stockholders have no interest in a bank charter, because a bank charter is worth nothing! Indeed! Why have they been sought with so much pertinacity? Why is the bank tax paid into your treasury of nearly four hundred thousand dollars a year? Why is the whole bank interest in arms to defend these charters, if they are worth nothing? To show that they are valueless, the gentleman tells us that he had great difficulty in persuading the board of directors to which he belongs not to surrender their charter! He did so persuade them, however, and this shows that the gentleman, who is a good judge of his own interest, attaches some value himself to a charter. Let us judge of his acts, and not be misled by his arguments. But if the State Bank has surrendered its charter, does the fact that one man commits suicide show, while others cling to life, that life is worthless? The hold of the banks upon their legal existence is an immediate interest, and the stockholders have also interests immediately concerned in every one of the recommendations of his excellency which have been referred to the committee.

4. The private right or interest immediately concerned must be *distinct from that of the public.* Is it possible that it can be necessary to argue that it is so in the present case? As well might it be contended that the interests of the judge and of the prisoner at the bar are one and the same, and that the prisoner ought to define the law in his own case, bring in a verdict on the facts, and then pass sentence. Why do the banks ask for a trial? They profess perfect confidence in their innocence, and say they are ready to exculpate themselves from all blame before a tribunal to be named by us. And what answer are we to give this honorable offer? Search yourselves, gentlemen! Look most impartially into the most secret acts of your past history. Try your own heart and reins, and see if there is any wicked way in you. If you pronounce yourselves innocent, we shall be perfectly satisfied; if upon a solemn self-examination you confess guilt, be so kind as to determine how and how far you ought to be punished. Can the simplest dolt mistake the object of such a course?

It is said bank stockholders and directors have no interest adverse to that of the public, because it is for the common interest of all that banks should be well managed. It is not required that an interest should be *adverse* to exclude the member. It is wisely determined that a *distinct* interest shall exclude him, because distinct interests are always liable to become adverse to each other. Honesty is the best policy, and it is for the interest of all honest men to pay their debts and to perform all their promises punctually, but never was there a man mad enough, before this session of the general court, to declare that the interests of debtors and creditors were identically the same, and that a failing debtor was the fittest person to look after and to decide upon the interests of his creditors. The stockholders are debtors to the public; the bill holders are their creditors; they are the public whose hands are filled with dishonored promises to pay. Those who made and broke them, say to those who trusted in them, and suffer by them, — gentlemen, we did all this for your good, we continue to make and break promises for your good; it would be very ridiculous in you to examine into this, especially as we are very expert in the business of self-examination: a man not acquainted with banks is not familiar with the beautiful operation by which we consult the interests of our creditors by refusing to pay our debts; not that we have any interest in refusing to pay our debts; we swear we have not an interest to the amount of a copper in refusing to pay the debts to the amount of ten millions, that is to say, no interest distinct from that of our creditors, for whose sole and exclusive benefit it is that we refuse to pay, greatly to our own grief and mortification. People who are not interested in banks find it difficult to comprehend this mystery of mysteries, but appoint a select committee of bank stockholders richly seasoned with directors and presidents, and they will examine with wonderful fidelity, and report with amazing readiness in a manner that shall make it clear as preaching. Such is substantially the language of the banks through their representatives on this floor. The public out of doors, the country, Sir, will know how to understand and appreciate it.

Sir, ever since Esau sold his birthright for a mess of pottage, the two sides of a bargain have had distinct and indeed adverse interests. The Romans, if I read right, never committed lambs to the keeping of wolves, but now it is thought wolves make the best committees on sheep, young or old, because they are excellent judges of mutton, and it is for their interest that sheep should be fat, though the notion that they ever eat them is a vulgar prejudice. The most ingenuous advocates of self-examination on this floor are not content with maintaining an entire community of interest between debtor and creditor. They go further, and by a sort of hocus pocus, make them change places. They insist that the debtors are, and always have been, exceedingly anxious, ready, and even eager to pay all their debts, but that the creditors are fully sensible that it would be ruinous to them to receive them. If such be the fact, the debtor has still a distinct interest. It will be important not to put bank directors on the committee, for they will report such a sudden resumption of specie payments as will be very painful and distressing to the bill holders, and their eloquence in support of their paying propensities might seduce us to do ourselves a harm.

No man upon this floor believes in his conscience that the interest of the bill holder to have security, and the interest of the stockholders to withdraw that security are not distinct from each other, or that the interest of the public holding bills to make a director personally liable, and the interest of the director to avoid that liability, are not perfectly distinct from each other. The gentleman from Hardwick, therefore, has a private interest as a stockholder, and also a private interest as a director, both totally distinct from the public interest.

So much for those four peculiarities in the phraseology of the rule, to which the chair has directed the attention of the house. Common sense construes each one of them against the chair.

The chair has very candidly as well as justly remarked, that in the case of a private petition for privileges of any sort, "the fundamental principles of the social compact, which deny to any man to be a judge in his own cause, would become applicable, and should be enforced." Indeed they should be enforced. And where, then, is the difference in point of principle of granting privileges, and the question of retaining privileges already granted? The chair decides in effect, that if these very stockholders came here petitioning for the very privileges which they now enjoy, he would not allow any one of them to sit upon the committee on their petitions. They now come here protesting that they have not forfeited those privileges, and petitioning to be heard upon that protest, and the chair makes them judges in their own cause. His excellency the governor proposes to take away some of their privileges, for instance, the privileges of dividing their profits when they please, and the chair appoints them to report whether their privileges ought to be taken away; deciding, with a grave countenance, that they have no interest in the question distinct from the public interest. Sir, if their interest to obtain exclusive privileges, when they petitioned for them, was an interest distinct from that of the public, at what precise moment of time did their interest to have and to hold those privileges cease to be distinct from the public interest? Is it not clear, as if it were written with a sunbeam, that the distinct interest continues as long as the privileges are questioned? Yet Mr. Speaker decides that the petitioner for a privilege has a distinct interest in the question whether it shall be granted or refused; but that the holder of the same privilege has no distinct interest in the question whether it shall be retained or taken away. Was there ever a more bold and palpable fallacy?

The most ingenious logician, when he undertakes to support an evident absurdity, is driven to great extremities for plausible reasons. The last resort, under the present desperate circumstances, is the position of the chair that "it was obvious that there was no distinct and special question referred to that committee." Now it is so obvious that he that runs may read it, that there are several distinct and special questions referred to that committee.

In the first place, the memorial of the Associated Banks itself, presents two distinct and special questions.

1. Ought the charters of the banks to be taken away on account of their suspension of specie payments.

2. What additional securities ought to be provided for the creditors of failing banks?

In the next place the address of his excellency presents the following distinct and special questions:—

1. Is it not inexpedient to repeal the two per cent. a month penalty?

2. Ought not the Associated Banks to publish a weekly statement of the condition of each one of their number?

3. Have not the banks incurred a forfeiture of their charters: if so, whether any of them should be required to wind up their affairs?

4. Ought not dividends to be postponed until specie payments are resumed?

5. Ought not banks unduly extended to be required to reduce the amount of their obligations?

6. Ought not monthly returns to be made, specifying the length of the loans, and the nature of the security?

7. Should not banks be required to keep on hand a certain portion of specie?

8. Ought not bank commissioners to be appointed?

All these distinct and special questions have been referred to the committee. But the investigation of any one particular bank has not been referred to it.

The chair asks if the possibility of a single question occurring in which the private right of a stockholder would be distinctly concerned, ought to deprive him of the right of serving on all other questions, &c., and says it will be time enough to prohibit him from acting, when the question should have actually arisen.

Sir, why talk of possibilities when we have certainties before us? We know the questions before the committee. I have just enumerated them. In nine, out of the ten, the member from Hardwick has a private interest distinct from that of the public. The tenth is, whether the associated banks ought not to make weekly statements; a matter in which the member has no distinct interest, as he is not a stockholder in those banks. Nothing else of any importance has been referred to the committee. What, then, are those other questions upon which it is so important to retain the member's services? They exist only in the imagination. In every question that can come before the committee, with one or two very slight and insignificant exceptions, the member has as direct a pecuniary interest as he has in his pocketbook.

Sir, the amount of that pecuniary interest I neither know nor wish to know, because it is immaterial in the present issue. Whether it be one dollar or one million of dollars, can have no bearing on the decision, for the rule regards, not the degree, but solely the nature of the interest. If the State of Massachusetts had delegated to one hundred and thirty men, instead of one hundred and thirty corporations, the power to create a paper currency, with certain other exclusive privileges, and if those one hundred other exclusive privileges, and if those one hundred and thirty men held seats in this house, would the chair allow them to sit on committees and to vote upon questions concerning their own privileges? It is the same thing under the rule whether the member from Hardwick owns one bank, or all the banks in the State, or only the tenth part, or only the thousandth part of a bank; for the question is not how far he is interested, but whether he has any interest of the kind described in the rule. The circumstance that the one hundred and thirty principal owners of banks have each of them partners, and that these partners constitute a majority of this house, (if such be the fact,) constitutes no reason for setting aside the fundamental principles of the social compact, and making them judges in their own cause. If the bank interest be indeed in a majority here, then it is more than ever necessary, *for the honor of the house*, that this rule of immemorial observance should be strictly adhered to, and that those whose private interests are concerned should withdraw. Otherwise the government of the Commonwealth is vested henceforth in the representatives of the banks, and not in the representatives of the people.

The chair declares that, in determining who shall vote on a distinct question, he will be governed by the parliamentary precedents referred to in the manual. Not by the express text of the manual itself, which is as explicit as words can make it, and which contains the opinion of Thomas Jefferson, the highest American authority; but by British precedents. And upon what British precedents does this chair rest his decision? Upon a decision of 1811, so late that Mr. Jefferson could not have referred to it in drawing up his manual. Upon the strongest tory decision that the chair can find; which does not surprise me, for I have long known that the rankest and bluest toryism extant on the globe is that which lingers in Massachusetts, baptized whiggery. Yes, Sir, a tory decision of a tory majority, in a tory house of commons, backing up the opinions of a tory speaker, pronounced on the eve of the late war, is the precedent quoted by the speaker of the house of representatives of Massachusetts, for the political gospel of whom? The yeas and nays will show, Sir, who sail under the tory flag.

Sail under the tory flag, Sir! The chair is obliged to out-tory the ultra-toryism of British tories of 1811, when imprisonment of American seamen and other outrages which led to the late war, were in high credit with the party in power in Great Britain. The question on the Gold Coin Bill does not, after all, sustain the chair. That case was as follows:—

July 17, 1811. While the Gold Coin Bill was pending in the house of commons, Mr. Creevey rose and moved to disallow the votes of forty-five bank proprietors and directors in the further stages of the bill. To justify this motion, he went into an argument to show that these persons had an interest in the bill, because, as he said, the banks would derive an immense income from its passage. He stated the consequences of the suspension of specie payments in 1797,—that the bank, which, before that act issued notes to the amount of eleven millions, after that act increased their issues to twenty-one millions. The effect of which was such an increase of interest that they raised their dividends from seven to ten per cent., and divided besides a bonus of six millions sterling in fourteen years; so that their stock rose in the market from one hundred and eighteen to two hundred and thirty-six. He then asked, "Would it be contended by any one that it was right for the house to permit them to *double* their fortunes?" He said, "the operation of the bill was to grease the wheels of the bank, and set them, as in 1797, a coining again. They might, when the bill passed, turn their rags into paper, give them a nominal value, whatever value they chose, and no one dared refuse to take them as coin; and then would follow a further increase of dividends and bonuses, and a note might, perhaps, eventually be sold for twopence, which passed now for twenty shillings. Under these circumstances, those members composing the list he held in his hand, ought not to be allowed to vote. Some of them, without mentioning their names, were bank directors; others were proprietors only: when he approached bank directors it was with the greatest awe, for he knew they were the greatest persons in the country, &c. He was aware, that in naming them he might render himself open to be assailed with harsh names, but still they possessed great powers; for the legislature protected them against paying their creditors, &c. &c. In fact, the government might be said to be composed of three estates,—the King, the Bank of England, and the East India Company; and they would go on just as well if the ministers were to change with the bank directors, and go out by rotation."

Such was the ground taken by the whigs in the house, on the occasion referred to by the chair; and what was the reply of the tories, under whose broad shield the chair seeks shelter?

They denied the fact that the bank itself was interested, and the debate turned on the question of fact. Mr. Manning led off the tory side of the house. He said that he was one of the subscribers to the loyalty loan in 1797, and feeling that if he had voted for Pitt's bill for a bonus, he should have been voting a thousand pounds, perhaps into his own pocket, he felt anxious to satisfy his mind, and on the opinion of the speaker, he did not vote. "With respect to the present bill, the honorable gentleman had not stated any ground of distinct interest to disqualify him from voting, and he must deny the existence either in bank directors or bank proprietors. *They would not be benefited by the passing of the bill one half crown.* It had been said that the bank directors had brought in the bill; they had not had any communication with the noble earl who brought it in,—had neither solicited, desired, nor supported it. He could put it to the house whether this bill, as in the case of the loyalty loan, involved any pecuniary interest. *If it did he should withdraw,* but having no such bearing, he conceived that the proprietor ought to be excluded from voting." He then took a view directly the reverse of that taken by his followers here, for he contended that it was useless to exclude the forty-five stockholders, because there would be so many members left "to give their free, cool, and deliberate judgments." While those who follow the tory precedent here, contend that stockholders ought not to be excluded, because they are so numerous, and so few members would be left to exercise "their free, cool, and deliberate judgments." He said that there was no proof that the bank had divided six millions, and if they had, other stocks had been rising as much; for instance, the Royal Exchange. Assurance from seventy-seven to nearly three hundred per cent.

Mr. Dent, who spoke next on the tory side, denied the statement of the profits of the bank.

The next tory was Mr. Long, who said, that "if there was any interest, it was the most minute that could well be conceived. A number of members in that house had a much greater and more direct interest in the Distillery Bill." He charged the whigs with inconsistency, in saying that this bill would aid the bank, while they contended it would cause a further depreciation of its bills.

Mr. W. Smith spoke on the whig side, and said the question "was quite distinct in its nature; it was a question between the interests of a *monopolizing company* and *the interests of the public.* If, in 1797, a motion similar to the present had been made, he could not believe that it would then have been resisted, — it being then clearly the direct interest of the proprietors that the restriction should take place." * * * * "Their evident and *immediate interest* in the question ought, however, he conceived, to have prevented them from publicly voting in favor of it." He then attempted to prove how much the bank had gained by the suspension of specie payments, and this being a measure of the same tendency, he rested his argument against the propriety of the stockholders voting on that proof.

Mr. Banks took the tory ground, and maintained that the possessor of landed property "was much more deeply interested in the question than the most extensive proprietor of bank stock in existence."

Mr. Abercrombie followed on the whig side. He said, that as the act suspending cash payments, in 1797, "was of great service to the proprietors, they should not have been permitted to vote on it; and the same argument applied to the present case." * * * * "Of course every stockholder had an interest in the authority of Parliament being pledged, as it would be if the bill passed." * * * * "He was an enemy to monopolies of every description," etc.

The tory minister, the Chancellor of the Exchequer, said, that every member "who possessed bank notes was as much *interested* as the proprietor and directors."

Mr. Hibbet spoke on the tory side. He considered the measure as one of general interest.

Mr. Creevey replied, he found Lord Arden (a tory of the reddest heat, sometimes called Pepper Arden,) at the head of the list of stockholders, interested to the amount of two hundred thousand pounds, and a strong advocate for the preservation of his fees.

The Speaker (high tory,) then gave his opinion, and said: —

"The rule was very plain. If they opened their journals, they would find it established two hundred years ago, and then spoken of as an ancient practice, that *personal interest in a question disqualified a member from voting.* But this interest, it should be further understood, must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of his majesty's subjects, or on a matter of state policy. So it was that on a canal bill, a person whose name was down as a subscriber could not vote, etc. etc. Such was the law on the subject, — how far the fact applied to the present case, it was for the house to decide.

The question was then put and negatived without a division.

This is the history of Mr. Creevey's motion, — there is no sophism of a paramount public interest overruling a private interest, — there is no mystification. The British tories admit that if the member has any private interest, he cannot vote, and they deny that the bank has any, even the slightest interest in the question. It will not make half a crown difference, say they, to Lord Arden with his two hundred thousand pounds of stock, whether the bill passes or not. On this denial of the fact of interest, was the tory precedent based: and let me tell you, Sir, no tory speaker of a British house, though with Perceval, Van Sittart, and Castlereagh, to keep him in countenance, and an insolent and overwhelming tory majority to back him, would have dared — aye, Sir, would have dared to justify their right to vote on any other ground.

In this house, no such ground can be set up. No man can say it does not make half a crown's difference whether the recommendations of the governor are adopted or rejected. Even on the principles of the Gold Coin Bill case, the member from Hardwick cannot serve, still less can he by the laws of decency and for the honor of the house. He has a direct pecuniary interest, separately belonging to him as a stockholder, not in common with the rest of the citizens, nor regarding these questions as measures of State policy. A tory speaker in England would, therefore, exclude him.

The whig leaders of the commons in 1811, were Henry Brougham, and Sir Francis Burdett. Brougham said, that when it was openly contended that the bank had no interest in such a bill, he felt a degree of alarm. Burdett said, it was *unfair* in the bank directors to say they were under no influence except the stock they owned, and then to say that influence was nothing. How great would have been the astonishment at the ultra toryism of the decision of the chair this day. How great will be the astonishment of the yeomanry of the country when they hear this decision; and how deep their indignation when they witness the effects of this decision.

Mr. Cook of Boston, moved the previous question. The chair signified a disposition to reply; but, being assured by the friends of the chair that it was unnecessary, withdrew the intimation, and the previous question prevailed.

The yeas and nays being taken, there were for affirming the decision of the speaker, three hundred and thirty-seven, — for sustaining the appeal, ninety-seven.

ORATION AT CONCORD.*

The law by which God governs the universe is a law of progress. The undeveloped capacities of the human intellect, the aspirations of the soul after a higher and better moral state of being, even in the present life, the feeling of dissatisfaction and unrest, sad, but not without hope, which ever urges on the wise and good, after an infinite succession of defeats, to new efforts to remove out of our path the chief evils that continually beset us, all indicate, that, in its pilgrimage through weary ages of vicissitudes, the human family has, as yet, no abiding place; that its course is, and must be, onward towards the true destiny in which its faculties are fitted to expand themselves, in their free action and full enjoyment. The infancy of our race was passed in struggling to escape from physical suffering, while groping in ignorance, groaning under oppression, and shuddering at superstitious terrors. But the stern teachings of this long adversity hardened and confirmed the vigor which they did not crush, so that courage and strength gradually grew out of the contest, if it did not result in complete victory. We are now in the period of immature youth, and the wisdom above which guides us, and which has led us through many grievous trials, from evil still educing good, has doubtless further, and perhaps greater trials in store for us. As the apostle Paul declared, the heavier yoke of the Mosaic dispensation to be designed for the office of a schoolmaster, to bring its pupils worthily, in the fulness of time, into the light and liberty of the gospel; so the toils, and hardships, and reverses of many thousand years, are educating mankind for a nobler exercise of God given powers, and the more perfect fruition of the purposes of a nature, created but a little lower than the angels.

There is nothing in the universe that is not subject to change. The stars in their courses have no appointed goal, where they may pause, but in secular, and as yet unmeasured revolutions, steadily wheel, obedient to the original law of their nature. Great moral changes are like the motions of these enormous masses of matter, slow, and guided by unalterable laws; but not like them, steady and uniform in their phenomena. Moral advancement proceeds by impulse following impulse, like the several waves of a swelling tide. Between the waves, wide spaces intervene, but no impulse is lost in the sum of contributions to the general flood.

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* Delivered on the Celebration of the seventy-fifth Anniversary of the Events of April 19, 1775, before the Massachusetts Legislature.

To know what point we have reached, to know whither we are tending, are the two great problems of absorbing interest. To understand and solve them, we investigate the past. No eye can pierce the darkness of the future, except by the aid of those rays which the lamp of experience casts forward to reveal its mysteries.

So inexhaustible is the abundance of the lessons which history affords to the observer, that we are not so much embarrassed to find subjects which deserve and reward careful examination and protracted meditation, as to choose among those which obviously present themselves. The most interesting and instructive epochs of history are those when controlling influences, which have governed, or seemed likely to govern, for a considerable period, the affairs of millions, suddenly terminate, and a new order of things begins. Whether it be the catastrophe of some ancient dynasty, as the Persian before Alexander, or the Bourbon before awakened France; or the downfall of some extensive empire, as of Assyria, or of Rome; or the death agony of national independence, rushing to ruin in a single day of blood, as at Babylon, or Carthage, or Constantinople, or Warsaw; or the struggle of conflicting parties, or systems, decided in the shock of some great battle, and determining for awhile the political aspect of the world, as at Pharsalia, or Actium, or Marengo, or Waterloo; or if it be the introduction of some agent, working effects unperceived at first, but afterwards apparent in their magnitude, as gunpowder, the press, the compass, the cotton-gin, the use of coal for fuel, or of steam for motive power; we are irresistibly impelled to inquire into all the circumstances of the change, its causes, how it might have been hastened or postponed, its consequences, how far it was unforeseen and inevitable, or long expected, and the result of genius and energy on the one hand, or folly and imbecility on the other. But when the fortunes of civilization or of liberty hang doubtful in the balance, how inconceivably grand is such an issue! How immeasurably does it transcend all ordinary debate, whether of the academy, the forum, or the battle field! How does such a spectacle rivet the attention of contemporaries; and excite the curiosity, and command the admiration of posterity! The poet and the philosopher, the patriot and the philanthropist, the warrior and the statesman, all turn with common enthusiasm towards the spot and the hour, on which the peril passed away, and the salvation of all that is dearest to humanity was secured.

When we hang delighted over the pictured pages of the father of story, and drink in the charm of that old Ionic melody which will never cease to fascinate ingenuous youth, what is the scene at which we pause and linger with the intensest sympathy, feeling that the Greek cause is indeed our cause? It is when we see that the soldiers of the city states are our champions; that in their discomfiture our liberty, and all true life, must have been struck down forever; and that the achievement of the all-daring few who stood at Marathon, not only brought, for them, glory out of danger, but wrought out also our deliverance.

The great king, Darius, the compeller, as his name in his own language signified, had mustered his myrmidons like a locust cloud: the Ionian colonies were overrun: Delos, the abode of the prophet Deity, shook with an ominous trembling. An empire, that, from the rising to the setting sun, overshadowed with its greatness all the nations of the earth, launched its whole power upon the little disunited democracies of the Greek peninsula. In vengeance for the flames of Sardis, shrines were pillaged and temples burned; havoc swept the land, and the fettered captives were consigned to Persian slavery, far from the native soil they loved so well. Eretria had fallen; Marathon was not far from Eretria, on the invader's way to Athens. Then was manifested the amazing transformation which self-government works when once gained; for while the Greeks were subject to tyrants, they excelled not their neighbors in renown, but when they were delivered from oppression, they surpassed them all.* Then first the Greeks beheld, without dismay, the dress and armor of the Medes; for before that time, in Greece, the very name of a Mede was a terror.† But now, Datis, with the hordes of Parthia, Babylon, and Egypt swelling his array, is checked in his career of desolation by a few Athenians, without archers or cavalry. Freedom had made them heroes. They ran to the charge against the barbarians, and victory flew with them. The astonished satrap thought them mad; but the Athenian and Platean wings closed on his host, and drove them with slaughter to the sea. The city of Minerva, exulting in tumultuous triumph, received her returning Miltiades, radiant with glory, like a god. Not to her alone had he given freedom, and strength, and prosperity, and dominion; he had vindicated, for countless coming ages, the possibility of a higher and purer civilization. Where would have been architecture and sculpture, the miracles of genius of the age of Pericles and Phidias, and all that their divine simplicity has since inspired of the true and the beautiful, if Asia on that day had prevailed over Europe? Where oratory and the drama? Where history and philosophy, and the spirit of freedom that pervades Greek letters, and from them informed the whole body of Roman literature, and again at the revival of learning kindled in the heart of the modern world the long-forgotten love of liberty? This is but an imperfect inventory of the richest bequest ever left by any people to the race; yet this, the heavy levelling wheel of Oriental despotism, if it had once passed over it, would have crushed and buried in oblivion.

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* Herodotus. Terpsichore, 78.

† Herodotus. Erato, 112.

Twelve hundred years rolled away after that golden day at Marathon, and again Asia pours into Europe another and fiercer barbaric invasion. Again she threatens to extinguish the flickering torch of science, which, choked by the deadly exhalations of that more than Egyptian midnight that had settled on the world, threw but a gloomy and uncertain gleam over the ruins, broken and scattered by the destroyers who had swarmed from the northern hive. The disciples of the Arabian prophet had propagated his religion, and extended the Moslem empire further in the first century after his decease, than the Roman vultures had flown in the space of eight hundred years. The Koran, the tribute, or the sword, was the alternative which they offered to the vanquished, after their uncounted victories. From Damascus, the centre of their power, the Crescent shed disastrous twilight over the nations, for two thousand miles, to Benares and the Ganges, in the east; as far as across the breadth of Africa, to the pillars of Hercules and the waves of the Atlantic in the west. On the thirtieth of April, 711, Tariff Ben Zeyad crossed from Ceuta to the coast of Spain, and fortified the rock ever since called, from his name, Gibraltar. So strange was the costume and the bearing of his Mauritanian followers, that they seemed like beings dropped from another world. Tariff burned his ships, and with his scimitar opened his way towards Toledo, through a three days sanguinary battle, at Xeres, in which Roderic, his royal antagonist, was slain; the degenerate descendants of the warriors of the great Euric were routed, and the Gothic monarchy fell, as indeed it deserved to fall. The fanaticism which made the Saracens invincible, had not yet spent its force. Mohammed had promised to the faithful, the kingdoms of the earth for a possession, and they delayed not to enter upon their inheritance. In about twenty years they had subdued all Spain, and half of Gaul, advancing from the rock of Gibraltar, one thousand miles, to the Loire, up the valley of the Rhone and Saone as far as Besançon, dilapidating churches and monasteries, whose ruins still bear witness to their progress, putting to the sword all who could bear arms, but sparing noncombatants, except the "sworn children of the devil," as they called the monks, on whom they wreaked the frenzied hatred of their newborn faith. If the Franks should succumb, neither the Lombards, nor the Greeks, nor any Teutonic or Sclavonic people could hope to present a more effectual resistance. It would then be easy, in comparison with what had already been accomplished, to conquer Germany, Italy, and the Greek empire, and return by way of Constantinople to the Euphrates, thus uniting Europe with Asia and Africa under a sceptre mightier than that of Sesostris, or Alexander, or Trajan, or, in after times, Napoleon.

This stupendous enterprise Abdalrahman, Emir of Cordova, had conceived. He gathered the tribes of Yemen and Damascus, Moors, Berbers from beyond Mount Atlas, on their coursers, fleet as the wind, and all the Moslem force of Spain. Unquenchable was the zeal raging in the breasts of these miscreants, to wash out their sins in the blood of the Christians, and to win a seat among the Houries, by crystal fountains, in the gardens of everlasting bliss. The sword is the key of heaven and hell, said the prophet; battle is the gate of paradise. The feet that are covered with dust in the holy war, shall never burn in the eternal fire. Say not they die who fall in the holy war: Allah receives them to himself. Their wounds shall bloom resplendent as vermilion, redolent with the fragrance of musk in the day of judgment. These were the promises that lifted their souls above danger, pain, and death; while the dogmas of a religion breathing fire and carnage, urged them on perpetually to more distant conquests. They who fall in the holy war at home, says one of their sublime doctors, feel no keener pang in death than the sting of a common ant; but to them who fall in the holy war over the sea, death has a sensation like cold water mingled with fresh honey, to a traveller perishing with thirst, in the middle of a burning desert.

Abdalrahman led the soldiers of the crescent across the Pyrenees, took and pillaged Bordeaux, and on the banks of the Dordogne encountered Eudes, Duke of Aquitaine, whom he overthrew with a loss so terrible, that, in the language of the chronicler, God alone could reckon the number of the slain. Aquitaine and Burgundy were ravaged without resistance, and the devastating torrent reached the environs of Tours. The genius and the battle-axe of one man, Karl, duke of Austrasia, rescued Christendom in this her hour of extreme peril. With his Franks and Gallo-Romans, Karl met the enemies of the cross between Tours and Poictiers, and there decided the eventful controversy between the religion of the Koran and the faith taught in the gospels.

It was in the month of October, in the year 732, a century complete after the death of Mohammed. The two armies skirmished and manœuvred seven days, before the signal for the deadly strife was given; for each knew the strength of his adversary, and felt that no ordinary interests were staked upon the issue. The Austrasian warriors were drawn up in compact ranks; their formidable stature, covered with breastplates and bucklers glittering in the sun, presented, as it were, a wall of steel, impenetrable to the charge. They awaited with admiration the onset of that brilliant oriental cavalry; wild Berbers, shaggy nomades of the desert, and turbaned Arabs, whose polished cuirasses and bright scimitars flashed fire as they pranced over the field. They joined battle early on the morning of Saturday. The column who formed that day the last bulwark of Christendom, stood like a rock of adamant, against which the troops of Moslem horse, like successive billows, dashed themselves and were hurled back in confusion. The long and serried pikes resisted every attack, and the ponderous battle-axe of the Germans, the Francisque, shivered the Moorish cuirasses, and hewed down squadrons. The earth trembled as, with impetuous valor, the Moorish horse thundered on the Christian phalanx, and were as often repulsed. So all day the doubtful war ebbed and flowed till the shades of night suspended the contest; but not till Abdalrahman and his bravest comrades had fallen beneath the death dealing battle-axe. At daylight, on Sunday, the Franks formed, and cautiously approached the Moslem tents, to complete the ruin of their enemies; but they found the camp deserted. The survivors of that hard-fought field had fled during the night. Shouts of joy welcomed the discovery. The robbers left behind them the spoils of the cities of the South, and of half the monasteries of France, and the plain so strewed with the dead, that Arab writers call it the pavement of the martyrs. They abandoned Aquitaine forever. Karl and his successors drove them beyond the Pyrenees; and this was the last attempt to make the Mediterranean a lake for the internal intercourse of the all absorbing Saracen Caliphate. Karl was called Martel, or the hammer, after the victory, because he smote the unbelievers, as Thor the god of his heathen ancestors, smites the rebellious deities with that hammer which is the symbol of the Scandinavian Jove.

What would have been the fate of France, of Europe, of Christendom, had the keen scimitar of Abdalrahman cloven the head of Karl Martel in the battle of Tours? We may judge, perhaps, by measuring the degradation and the slavery of Egypt, Persia, Syria, and Turkey. Without a special and miraculous interposition, Christianity would have given place to Mohammedanism. No Italian republics would have sprung into life beneath the iron yoke of Caliphs and Emirs. The genius of Italian literature was cradled on the stormy sea of liberty. The fine arts, through the whole period of their perfection, were the exponents of Christianity. Where are the Dante, the Ariosto, or the Milton of the Moslem faith? Where is the Michael Angelo, or the Raphael of Bagdad, or of Teheran? Where the Handel of Cairo, or Aleppo? Poetry is dumb, and music soulless, and painting hath no charm under the brutalizing superstition, into which the doctrine of the Koran, after its first outburst of frantic ferocity, has finally subsided. Strike with such a paralysis the mind of Europe, and the starry Galileo would have lived to other woes than those of too much science. No Vasco would have explored the adventurous passage to the realms of fabulous wealth in India or Cathay. No Columbus would have given a new world to Castile and Leon, a refuge for the oppressed, room for disenthralled man to grow to the full stature of intellectual and moral greatness. No Guttemberg would have given to truth the thunder tones with which she shakes the world. The genius of mechanical invention would not have fettered the most potent of the demons, steam, chaining him to the wheel, to toil at the taskwork of many millions, under the supervision of a few trusty sentinels. Commerce would not have spread her white wings, like an angel of peace, over every ocean; enriching, enlightening, blessing, wherever she smiles, and brightening daily, every link in the golden chain of universal brotherhood. Abdalrahman had planted himself like a hungry lion in the path of human progress. Karl Martel lifted his stalwart arm, and smote the grim Paynim with his heavy Francisque. The way is open; humanity passes on.

I have described a crisis, imminent, passing away, and again recurring, in which the mother country of certain new systems of thought waged an exterminating war against the ideas that were her own offspring. The south-western peninsula of Asia, inclosed by the Red Sea, the Mediterranean, the Euxine, and the Caspian, with a slight auxiliary influence from Egypt, is the source whence flowed into Europe all the notions, social, political, religious, which she has received from abroad for more than three thousand years. The seeds of Greek science were confessed by the Greeks to have been imported, but they germinated rapidly and flourished more luxuriantly than in their native soil. When the great king ordered his satraps to root out the plant, all the nations of the mother country of science followed in their train to enforce the sentence. God be thanked that sooner or later comes a day of emancipation from mother countries. The mind of Greece was free, and had been from her infancy. A few reluctant States yielded the tribute demanded; but the little republics scattered along the coast, who, "with sunny scorn," flung defiance at the feet of the monarch, were strong enough to withstand and ultimately to shatter the great empire of the age.

Greek freedom thus secured, Greek civilization soon culminated. It did a great work; but, in its best estate, it was far from sufficing for the wants of man. There was needed a system less selfish, more spiritual; rules and principles of action for a loftier standard of human duty than even the sublimest morality of the Greek philosophers; affections more comprehensive than the narrow patriotism of a Greek city.

The same Asiatic peninsula supplied these wants. It sent forth into a world benighted in idolatry, the sacred volume of Hebrew literature, impressed on every page, blazing in characters of living light, with the great central truth of all later faiths and revelations, the *unity of the Divine Being*. This idea informed thinking minds, and penetrated the framework of society, to a much greater depth than is commonly supposed, before the Christian era. But it is not to be found in Europe until it has circulated for some centuries in Asia. The laws and records of Moses, himself of an Asiatic race, educated in Egypt, were reduced to writing in the Arabian desert, and promulgated among the inhabitants of a corner of Syria, ages before the light of this truth shone on Europe; and though the Jewish local and ritual laws made but few converts beyond their own tribes, yet the transforming fact, that there is one Creator, Preserver, and Judge, must have disseminated itself among candid inquirers wherever the genius of emigration impelled that restless people. Then issued from Palestine that mission of mercy which taught men that they were children of one father, and heirs of one destiny. Through the broad Roman empire it vindicated its triumphant progress, consoling the slaves of the Neros and Caracallas, breathing life into the bosom of despair, cheering with immortal hope the habitations of the dark places of the earth, which were full of cruelty.

After six hundred years, the mother country of the Jewish and Christian religions had apostatized from the worship of the Prince of Peace, and obeyed the apostles of that prophet who was called the Son of the Sword. Then rushed the frenzied fanatics of Arabia, Persia, Syria, what is now Turkey, and Egypt, across Christian Africa, blotting out from her history thenceforth the faith, and the very name of Christ, and with the same fell purpose upon Europe, hurried on that terrible irruption which penetrated a thousand miles, to be wrecked upon the heavy shields and firm set pikes of the Franks before Tours.

Another thousand years rolled on, and again transplanted principles have taken deep root and blossomed luxuriantly, and again the arm that planted is stretched forth to eradicate them. Of these, one is democratic freedom, which, nourished in a propitious soil, had shot up vigorously. Its boughs spread wide, and made a goodly shadow; its leaves were for the healing of the nations. The inhabitants of the land rejoiced in its shelter and fruit. The inhabitants of other lands hailed its glorious promise, and longed for that blessed shelter to reach their borders. Britain, fair mother of a hundred states — *filia pulchrior* — is the mother of one far excelling her own matronly beauty; and the anticipated rivalry of the daughter, with all the light and life of youth to witch a wondering world, could not fail to arouse the jealousy of a parent unwilling to fancy that she must ever cease to reign supreme in the admiration of all beholders.

Great Britain had elaborated, through wars of barons against the crown, and matured and perfected, through the reciprocating motion of rebellion on one side and the headsman's axe on the other, a superior form of aristocratic liberty. When she had done this, she had accomplished her mission. The incubus of conservatism palsied her endeavors after any thing better. A regenerating revolution convulsed one whole generation of the people of that island. It tantalized them with rainbow promises, — yielded nothing but the bitterness of hope deferred, and at last turned and went backward: thick brooding darkness settled on the prospects of popular freedom. The fellow-patriots of Hampden, and the fellow-soldiers of Cromwell, who gave to England all the liberty she yet enjoys, beyond mere feudal privileges, disappointed in the reformation of Church and State for which they had risked their lives, left behind them, not their mother country only, but abuses too inveterate to be redressed; her institutions incurably vicious, which sacrificed the general welfare to the interest or caprice of the few. They followed into this new world wilderness the pilgrim pioneers, never doubting that they should realize here the beatific vision which still reigned in their hearts, though it had mocked so often their fond, impatient expectations, *the Christian Commonwealth*, — "the holy city coming down from God out of heaven, beautiful as a bride adorned for her husband." * They brought with them the doctrines that the people are the source of power, and cannot be taxed without their own consent, and that the private Christian is amenable only to his own conscience and his Maker, for his worship and his faith. They brought with them equality, self-respect, self-control, fraternity; and that which guaranteed all these, courage hardened in adversity, and the puritan spirit of resistance against every encroachment on their rights.

For more than a century and a half after the arrival of the Mayflower, the little democratic communities, the towns of New England, had been schools of mutual instruction in individual freedom and local independence. Long and desperate struggles with the savages and the French, had made the colonists self-reliant. The management of their common colonial affairs, and the discussions in their representative assemblies, had given them administrative experience, and developed the instinct of organization and legislative capacity. Upon the dissolution of the political bands which united them to Great Britain, they could trust confidently not to fall into anarchy, but to enter upon a new career of regulated liberty as free and independent States. To this, however, they did not aspire, until the usurpation, by the mother country, of their acknowledged rights as Englishmen, forced upon them the alternative of political slavery, or national independence.

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* Dr. Cooper's Sermon on the Commencement of the Constitution, Oct. 25, 1780.

France had been driven from the North American continent, and the Indians on this side of the Alleghanies had ceased to be formidable, before Great Britain began to regard the colonies as a magnificent field whence to reap a future harvest of revenue. The opportunity was too tempting, the anticipated plunder too vast for ministerial virtue, when Boston could truly boast that its own trade had done much to raise the British empire to its existing height of opulence and splendor,* and when Burke could demonstrate to the commons of the realm, that the colonies furnished already a full moiety of the wealth which commerce poured into the coffers of the haughty mistress of the seas.† It is no wonder, then, that the British government, feeling power and forgetting right, would not relinquish without a struggle her attempt to impose the burden of unconstitutional taxation upon the colonies. Nor is it extraordinary, when we consider the material out of which the rising States were built up, that the attempt should have met everywhere renewed and obstinate resistance, and should have ultimately miscarried. The rash financial empiricism of Lord North and his besotted master, the arbitrary, coercive acts of parliament, and the bayonets of Gage had encountered the indomitable steadfastness of the puritan stock, too stubborn to bend under the heaviest pressure of tyranny.

The lofty and vehement eloquence of James Otis, vivid as that electric fire which summoned his troubled soul to its final peace, had kindled in every breast the genial flame of liberty. The Junius Brutus of our history, that sturdy and incorruptible puritan, Samuel Adams, not over well supplied with funds, but richer than King George and all his minions, — for there was not gold enough in the British empire to buy him, — had awakened the great heart of the democracy of this continent, and made it throb responsive to his own. For his transparent integrity and self-denying virtue, for his sound judgment and manly energy, they loved and trusted, respected and followed him. The merchant prince, John Hancock, rallied the classes whose pursuits depended on commerce, fiercely indignant at the shackles which the genius of monopoly, stretching her leaden sceptre three thousand miles across the ocean, had imposed upon their industry. The majestic dignity and lion port with which John Adams confronted power, wielding in his country's cause the weapons of an oratory like that which

> "Shook the arsenal and fulmined over Greece,
> To Macedon, and Artaxerxes' throne,"

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* Vote of Boston, May 18, 1774.

† Speech on Conciliation, March 22, 1775.

riving, with the thunderbolts of his genius, the miserable sophistries of the apologists of tyranny, inspired with his own confidence and firm resolve, his admiring countrymen. The chivalrous Warren, the most illustrious of the proto-martyrs, whose souls cried from beneath the altar, how long! until America had declared, and consummated, and secured her independence; he who watered with his blood the monumental heights where yonder shaft bears eternal witness to the high tragedy enacted at its base, was instant in season and out of season, to rouse, inform, combine, confirm the patriots on whom devolved the giant work of revolution. His fervid ardor awoke dormant enthusiasm, and breathed new life into flagging zeal exhausted by efforts beyond its nature to sustain, — "the fiery virtue roused, from under ashes, into sudden flame," — and fanned the rising conflagration, none more indefatigably, none more successfully.

The determined posture which, under the guidance of these worthies, the country had assumed, was not without wellwishers on the other side of the Atlantic. The oppressed of other lands watched for the halting of the tyrant; for they knew that conquest over us would rivet their chains; while our successful repulse of the impending invasion, and vindication of our birthright from aggression, would light up for them, as it were, a pillar of fire by night, to lead them through darkness out of bondage. Far-seeing men, themselves placed by the accidents of rank or fortune above subjection to the immediate and personal evils of misgovernment, no less looked anxiously for the triumph of principles fraught with the redemption of humanity from the accumulated wrongs and miseries of ages. The philosophic monarch of Prussia, the great Frederic, left behind him the record of his approbation of the first movement towards the extermination of kingcraft; a movement, all the ultimate consequences of which, he probably had not estimated. Holland and France sympathized deeply with us, as the event afterwards proved. Ireland, from her rack of never-ending torture, sent up to heaven in our behalf her heartfelt intercessions. Even in England, philosophy and liberality, and whatever elements of freedom the British Constitution contained, were all enlisted in the cause of the colonies. In the commons house of parliament, Burke, and Barre, and Fox, the wisdom, and wit, and genius of that awful assemblage, waged incessant war, for us, against the creatures of executive misrule; and night after night, advanced, like a forlorn hope, to storm the impregnable ministerial benches. Even among the Lords, talent was on our side. Chatham was not the only peer who rejoiced that America had resisted;* and the

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* January 14th, 1766. Pitt in the House of Commons.

Duke of Grafton, abandoning the administration, wrote to Lord North, that, "the inclinations of the majority of persons of respectability and property in England, differed in little else than words, from the declarations of the congress." After the sword was drawn, and the contest waxed hot, the choicest spirits of Europe rushed to engage in it. The soil which they fought to emancipate, covers the bones of Pulaski and De Kalb. Kosciusko served here his apprenticeship to freedom; in whose name he defied death when slaughter revelled over the ruins of Warsaw. The early friend of Washington, the adopted child of America, the apostle of universal liberty, the lamented of both worlds, the great and good Lafayette, breaking from the lap of prosperity, and deserting the home of domestic felicity, spurning all obstacles, and breasting every danger, in the bloom of youth devoted himself like Hannibal, and swore upon the altar of human rights, eternal hatred to every form of tyranny.

With such leaders at home, and such friends abroad, the disparity was still fearful between the parties ranged in arms. Massachusetts, before the colossal proportions of the parent State, showed like the youthful champion of Israel arrayed against the Philistine of Gath; yet the stripling defied the giant. It is the first collision between the hostile powers, absolutism on the one side, liberty on the other, the spirit of the past and the spirit of the future, that we have this day met to commemorate, — a custom honored in the observance and deserving to be perpetuated.

If those who live under governments in which the subjects have no share, can feel a patriotic interest in the commemoration of the victories that have illumined their annals, much more may we, a self-governing, sovereign people, exult in our joint inheritance of joy and pride. If the battles, in which the selfish ambition of rivals for power has deluged every corner of the earth in fraternal blood, are held in everlasting remembrance by the posterity of the victors, to keep alive the national spirit, and to nourish that enthusiasm, which, blind and preposterous as it may sometimes be, is yet the strongest safeguard of a nation's honor, union, and independence, how much rather should we embalm in our hearts an act of self-sacrificing devotion, unsullied with any mixture of sordid interest, — an act which stands, and must forever stand, alone, in its original, unapproachable sublimity! The blasts which have rung loudest and most frequent from the trumpet of fame, have ever pealed in honor of mere vulgar slaughters, — an unavailing and a lavish waste of life, over which pure philanthropy could only weep. How delightful is the contrast of our American jubilees, when our grateful anthems ascend in devout thanksgivings to Him who inspired the founders of American independence to erect for themselves that ever-during monument, — a work which, as it had no model, though it may be often imitated, will have no equal, forever peerless in its solitary grandeur.

If there be any event in the history of the world, that any nation is called upon to celebrate, the birthday of a free and mighty empire presents the strongest claim to this distinction. "O, what a glorious morning is this!" was the memorable exclamation of Samuel Adams, while, as himself, and his brother in proscription as well as in patriotism, John Hancock, in their concealment anxiously awaited the event of the well-known enterprise of British confidence, volley after volley of distant musketry broke upon the ear, and told but too plainly that the vengeance of the mightiest empire in the world was let loose upon her feeble colony of Massachusetts Bay. It was the exclamation of more than Roman patriotism; it expressed the stern joy springing from a higher feeling, — an unshaken trust in that overruling Justice to which Pagan Rome could only look up with dim and doubtful hope.

Was the dawn of the 19th of April, 1775, a glorious morning? He, whose heart pronounced it glorious, knew that it was the moment of a great crime. British subjects were murdered by British arms. Even while he spoke, the story was all too audible, that the brother was imbruing his hands in the blood of the brother. The first martyrs in a holy cause, choice spirits of the youthful yeomanry of Middlesex and Essex, on that day rendered in their testimony. The deeds of that day gave earnest, which the issue did not falsify, that

"British fury, rankling for revenge,
With Ate at her side, come hot from hell,
Should, in our confines, with a monarch's voice,
Cry havoc, and let slip the dogs of war."

Not war only, O my friends, with whose fell visage they had grown familiar from their childhood, threatened our fathers; not French or Indian hostilities, for which they could with composure make ready preparation; but war in a new and more fearful character, civil war, the direst scourge that ever tormented long-suffering humanity. Yes, in the first shot fired at Lexington they recognized the promise, how truly fulfilled, that British wrath, in desolation, blood, and fire, should sweep the vast continent from Maine to Georgia.

Why then was the morning of the first banquet of civil slaughter a glorious morning? What were the omens that could brighten this gloomy future? What rapturous vision of reward tempted them to wade cheerfully through that sea of blood into which they that day stepped exulting? Were they courting fame, or power, or wealth, or popularity, for themselves, and willing to pave the way to their purpose with the myriads of heads that must be laid in the dust? Were they conjuring up the spirit of a terrible revolution, that they might ride in the whirlwind and direct the storm it would create? Nothing of all this found any place among their motives. They did not belong to that class of men concerning whom it is necessary to inquire what profit recommends their acts of virtue.

They were never trained to pace in trammels, nor tempted by the sweets of preferment to sacrifice freedom to the servile restraints of ambition, and, from this circumstance, could feel a comfort which no external honors could bestow. Hancock and Adams belonged to the class of Plutarch's men, — the higher order of politicians described by Lord Bacon; their minds "endued with a true sense of the frailty of their persons, the casualty of their fortunes, and the dignity of their soul and vocation: so that it is impossible for them to esteem that any greatness of their own fortune can be a true or worthy end of their being and ordainment, and therefore are desirous to give their account to God, and so likewise to their masters under God, the States that they serve, not as unprofitable servants; whereas, the corrupter sort of mere politicians, that have not their thoughts established in the love and apprehension of duty, nor ever look abroad into universality, do refer all things to themselves, and thrust themselves into the centre of the world, as if all lines should meet in them and their fortunes, never caring, in all tempests, what becomes of the ship of state, so they may save themselves in the cockboat of their own fortunes; whereas, men that feel the weight of duty, and know the limits of self-love, use to make good their places and duties though with peril."

The zeal of these two pioneers of the revolution was disinterested, for the rebellion put all to hazard that they had or might expect. A lucrative commerce annihilated, the sources of Hancock's income were largely cut off; in the defeat of the colonists, the confiscation of his estates must have followed; and even to their success, his destruction seemed at one time to be necessary. When it was contemplated to bombard Boston during the siege, he cheered on the attempt, though it would reduce his property to ashes. Neutrality in the contest that was coming on would have replenished the coffers of Samuel Adams; but he was as inaccessible to seduction as Phocion or Aristides, and lived and died in honorable duty.

If popularity, fame, or influence had charms for these daring rebels, a safe and easy path was open before them. The lavish munificence of Hancock's private life, his hospitality, free as the air and liberal as the sun, his affability in social intercourse, and the urbanity of his carriage, fitted him to be a universal favorite; and, with his facility in business and knowledge of character, if joined to the favor of the government, must have formed a most powerful combination. The unostentatious habits, unbending austerity, and indefatigable activity of Samuel Adams, could not fail to command respect and influence, upon different but no less certain principles. Office was within his reach, if he had deigned to accept it; but Governor Hutchinson, in a letter, has told us why he was not silenced by it: "Such is the obstinacy and inflexible disposition of the man," said his excellency, "that he never can be conciliated by any office or gift whatever," — a tribute characteristic of him who had maintained, on receiving his second degree at Harvard in 1743, that it was "lawful to resist the supreme magistrate, if the Commonwealth cannot be otherwise preserved," with the same sincere zeal with which he practised the thesis. When General Gage, after the battle, offered a pardon to all the other rebels, they had the honor to be the two sole exceptions, their offences being "of too flagitious a nature to admit of any other consideration than that of condign punishment."

The prospect before Hancock and Adams, on the ever-glorious nineteenth of April, was, to be soon proclaimed traitors; and if the giant despotism they had provoked crushed the incipient rebellion, as the world looking on expected, that then their ghastly heads would frown from Temple Bar, and their blasted names be bequeathed to eternal infamy, both in the old world and the new, — triumphant tyranny having silenced the voice of truth, justice, and patriotism. The "condign punishment" denounced against the champions of the constitutional rights of Englishmen, involved atrocities too horrible to be alluded to here;* it was an exhibition from which a heathen spectator might naturally infer, that not the dove, but the vulture, was the emblem of Christianity. It had been first inflicted on an unfortunate patriot guilty of the precise crime of Hancock and Adams, David Prince of Wales, who, in the eleventh year of Edward I., expiated, by a cruel death, his fidelity to the cause of his country's independence. At a grand consultation of peers of the realm, it was agreed that London should be graced with his head, while York and Winchester disputed for the honor of his right shoulder. In a few years, other Welsh chiefs suffered the fate of their prince. This unseemly precedent, adopted in the flush and insolence of victory, then assumed the venerable form of law, and fell next upon the undaunted William

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* "Accursed be the faggots that blaze at his feet,
Where his heart shall be thrown, ere it ceases to beat,
With the smoke of its ashes to poison the gale."

Wallace, who nobly died in defence of the liberties and independence of his country, exhibiting to the delighted city of London a terrible example of Edward's vengeance. Such was the beginning of that law of treason, which, originating in the year 1283, continued in force for more than five centuries, as if to warn mankind how easily the most execrable example may be introduced, and with what difficulty a country is purified from its debasing influence. Why should I single out illustrious victims of these rites of Moloch? The ever-hallowed names in the perennial pages of British glory, you may read them in the attainted catalogue of arrant traitors. Long after the ashes of Welsh independence were quenched in the blood of a native prince, ages after the spirit of Scottish liberty was roused, not crushed, by the ignominious butchery of Wallace; More and Fisher, learning and piety, Russell and Sidney, integrity and honor, were sacrificed upon the scaffold of treason, beneath the axe of arbitrary power. These lessons of history might have taught our Hancock and Adams, that the holy cause to which they were devoted, purity of motive, and a character untouched by any shaft of calumny, were not pleas in bar to a British indictment for treason.

Why, then, we may well ask again, was the prospect of coming perils glorious to the eye of far-seeing patriotism? For the high prize that could be won by none but souls tempered to pass through the intervening agony; who, for the joy that was set before them, could endure the cross and despise the shame, — Liberty, the life of life, that gladdens the barren hill-tops of Scotland and Switzerland, and loved New England; that makes the sun shine brightly in our cold northern sky; that makes the valleys verdant in blithesome spring, and sober autumn laugh in her golden exuberance; that nerves the arm of labor, and blesses the couch of repose; that clothes with strength our sons, and our daughters with beauty, — Liberty, in whose devotion they were nursed; which their fathers had bequeathed to them, a legacy to be handed down unimpaired, through ourselves, to their and our latest posterity; to which they clung through life, and which inspired the patriotism that could freely testify, to die for one's country is a joy and a glory.*

Young freedom had ever been consecrated by the baptism of blood. Sparta and Athens, Holland and the mountain-girt Swiss, proud Albion and regenerated France, bought at a cheap purchase, with the lavish expense of their best lives, the rights which they enjoyed. Adams and his compatriots, on the day we have met to celebrate, knew that liberty must be, as it ever had been, a life-bought boon; that only by a mortal struggle could it be wrested from the grasp of power; and that nothing but perpetual vigilance, resolved to do and dare, and suffer all things rather than surrender it, could guarantee the long possession of the blessing afterwards. They had counted the cost, and chose the purchase.

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* "Dulce et decorum est pro patria mori." — Warren in answer to Gerry.

Glorious, thrice glorious was the morning, then, when the first shot fired at Lexington gave the signal of separation, of a free and independent empire, from its parent state. The nineteenth of April and the seventeenth of June, both on the classic ground of the world's freedom, this County of Middlesex, cut out the work for the fourth of July — world-emancipating work — which the achievements of the heroes of the uprising of America, and the Titanic labors of the transatlantic sons of revolution, yet agitate and roll on towards its grand completion. Middlesex possesses this imperishable glory, before which the lustre of the brightest victories won in battles between contending tyrants, turns pale. Her children claim a common property in the trophies of these two memorable days; they walk together in the light of these two glowing beacon-fires, kindled on that stormy coast where liberty has taken up her eternal abode, to illuminate, with the cheering radiance of hope, her benighted pilgrims, who can look nowhere else for hope but to this western world.

In her affluence of glory, Middlesex can afford to be generous. She would not monopolize with local jealousy the fame of the great deeds that astonished and startled the repose of the age of Hancock and Adams, and ushered in the stupendous changes of the era of Mirabeau and Napoleon. In that inheritance of glorious recollections, garnered up by our revolutionary fathers, of which Massachusetts enjoys the undisputed possession, the three northeastern counties claim each a peculiar share.

It was Boston that thwarted the scheme of colonial taxation, under the guise of commercial regulations, when she hurled into the sea the intended instrument of her slavery. It was Boston whose streets were stained with massacre, making every ear that heard it tingle, but never shaking her unconquerable constancy. It was Boston that especially provoked ministerial anger, and was early marked out for signal retribution. It was the bugle-blast of Boston patriotism that awoke the sympathies of the distant colonies, and was answered by the thunders of British vengeance. While smarting under the blow aimed at her prosperity, not for a moment did she cease to animate her friends and her neighbors to resistance.

After the collision, which extinguished the last lingering hope of a reconciliation, the county of Essex, essentially maritime in her habits, launched her thunderbolts over the deep, and trailed the flag that for a thousand years had braved the battle and the breeze, ignominiously on many a conquered deck, whence went up the pine-tree flag of the rebels in token of victory.

The first flag, under the continental authority, that ever floated at an American masthead, in defiance of British supremacy, was hoisted on board the Hannah, from Beverly. The first commander who, under Washington's commission, threw down the gauntlet of maritime warfare, was Captain Manly, of Marblehead. The first of our naval heroes, who, with the words, "don't give up the ship!" upon his dying lips, fell, not in defeat, but in the arms of victory, was Captain Mugford, of Marblehead.* The first highly valuable prize of all the vast prey snatched from the enemy by our cruisers, was the ordnance brig Nancy, carried into Gloucester, and containing a most seasonable supply of arms and ammunition. From this small beginning grew up that formidable naval strength which wrestled with the power hitherto deemed invincible on the ocean, and came out of that desperate struggle not without laurels. The harbors of Salem, Marblehead, and Beverly, swarmed with private-armed vessels, and were crowded with prizes. The same hardy fishermen of the seaports of Essex, driven from the theatre of their adventurous industry by the breaking out of hostilities, trod the decks of these little wanderers of the sea, who afterwards manned the Constitution in the second war of independence, when St. George's cross went down before the stars and stripes.

But it is to the County of Middlesex that the tribes of our American Israel come up to keep holy time. The Mecca and Medina of the advent of freedom are within her borders. Lexington, whose echoes answered to the signal gun that broke the centennial slumbers of the genius of revolution, to sleep no more till he has trampled on the fetters of the last slave, and wrapped in consuming flames the last throne; to overturn, and overturn, and overturn, until he shall make an end; — Concord, that saw the insulting foe driven back in dire confusion before the children of liberty, as the cloud squadrons of some threatening thunderstorm melt and disperse when the full-orbed sun bursts through and overpowers them; — Acton, whose Spartan band of minute-men withstood the onset, and returned the fire of the minions of the tyrant; whose gallant Davis poured out his soul freely in his country's cause, at the moment when the tide of foreign aggression ebbed, at the moment when the beginning of the onward movement of his country's liberty, independence, greatness, and glory, by his judgment, promptness, and valor, was secured; — Charlestown, the smoke of whose sacrifice mingled with the roar of the murderous artillery, while a holocaust of victims and the apotheosis of

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* May 19, 1775.

Warren consecrated her mount as the thrice holy spot of all New England's hallowed soil; — Cambridge, the head-quarters of the hero, after whom the age of transition from monarchies to republics will be called the age of Washington; — in these, your towns, are the several peculiar shrines of the worship of constitutional liberty that have made the American continent not barren of historical monumental scenes. Where else, in the circuit of the revolving globe, does the sun look on such a clustered group of glories?

Lexington, Concord, Acton, Charlestown, Cambridge, each has its blazoned page in the records of fame; but, gentlemen, we have gathered from our several homes at the point which marks the crisis in the immortal epos. It was here that republican energy said to foreign usurpation, thus far shalt thou go, but no further, and here shall thy proud waves be stayed. The site of the old North Bridge at Concord, is the pivot on which the history of the world turns. The volley fired for freedom there, reverberated through a series of revolutions. The rout which then begun, was but the beginning of the disasters and retreats of despotism not yet ended. Before the first shot had been fired that morning to repulse the regulars, self-government was a dream; since that moment it has grown to be a fact fixed as the everlasting hills. The transactions of that day of destiny, three quarters of a century ago, are too familiar to you all to be rehearsed again on this occasion. You will pardon me, if I rather, after succinctly stating the event, return to those general considerations which seem to be appropriate to the place and day.

The Boston Port Bill took effect June 1st, 1774. It prostrated the flourishing commerce of that town and occasioned great distress. It was intended to punish the destruction of the tea, and other manifestations of the rebellious temper of the New England metropolis, and was followed by the landing of several additional regiments to enforce the submission of the colonies to the obnoxious acts of parliament. Government hardly anticipated any serious opposition after this demonstration. They sadly underrated the persevering courage of our countrymen. An officer wrote home from Boston, in November, 1774, "Whenever it comes to blows, he that can run the fastest will think himself best off; any two regiments here ought to be decimated, if they did not beat, in the field, the whole force of the Massachusetts province." As late as the 16th of March, 1775, Earl Sandwich told an apochryphal story, in the House of Lords, of the cowardice of the Americans at Louisburg, and added, "They are raw, undisciplined, cowardly men. I wish, instead of forty or fifty thousand of these brave fellows, they would produce in the field at least two hundred thousand; the more the better, the easier would be the conquest; if they did not run away, they would starve themselves into compliance with our measures."[*] When the test came, the feats of running were upon the other side; and the nearest approach to starvation was experienced within the lines of beleaguered Boston rather than without.

Notwithstanding this overweening confidence of the ministry, Gage, who had fought by the side of provincial troops in Braddock's expedition, could not disguise from himself that a "bloody crisis" was at hand, and wrote home to his employers, that "a very respectable force should take the field." The possession of arms and ammunition was, of course, essential to the plans of the colonists, and to deprive them of the material of war was equally an object of the first importance with General Gage. On the 1st of September, he caused to be carried off, from the magazine at Quarry Hill, in Charlestown, two hundred and fifty half barrels of powder, belonging to the provincials, and two field-pieces from Cambridge. This proceeding excited great indignation. The patriots conveyed, secretly and by night, muskets and cannon out of Boston, and from an old battery at Charlestown, and made every effort to secure their stores. Sunday, February 26th, Colonel Leslie was sent to Salem to seize some brass cannon, but was thwarted by the hoisting of the North Bridge, and the sudden assembling of the people. On the 18th of March, the Boston Neck Guard seized thirteen thousand four hundred and twenty-five cartridges, and a quantity of ball, which the patriots were transporting into the country.

At Concord, where the provincial congress sat, from the twenty-second of March to the fifteenth of April, a large quantity of military stores had been collected, which General Gage, in pursuance of his settled policy, determined to destroy. He sent out officers to reconnoitre the roads, and endeavored to intercept all information of his designs on its way into the country; and, on the night of the eighteenth of April, at half-past ten, despatched eight hundred men, by way of Lechmere's Point, through West Cambridge and Lexington, to Concord. A lanthorn in the North Church steeple alarmed the country, and, by midnight, Colonel Paul Revere had carried the news to Hancock and Adams, at the Rev. Jonas Clark's house in Lexington. The commanding officer learned, by the sound of guns and bells, that his silent march had been betrayed, and that the country was rising round him. He sent back to Boston for a reinforcement, and at the same time pushed forward six companies of light-infantry, under Major Pitcairn, to seize the Concord bridges. This detachment found at Lexington, a little before five in the morning, Captain Parker's company of militia, just to the north of the meeting-house, numbering sixty or seventy. Pitcairn ordered them to throw down their arms and disperse; but the order was not instantly obeyed, and the king's troops rushed on them, shouting and firing. Eight patriots were killed, and ten wounded. Jonas Parker, and some others, returned the fire; the militia retreated in disorder. The British gave "three huzzas by way of triumph, and as expressive of the joy of victory and the glory of conquest;"* and after about twenty minutes' halt, during which the light-infantry came up, the whole force moved on to Concord, and reached it about seven o'clock. The militia collected there, retired before their superior numbers; the grenadiers and part of the light-infantry remained in the centre of the town; a party secured the South Bridge, and Captain Laurie, with about a hundred light-infantry, guarded the North Bridge, while Captain Parsons, with about the same number, passed about two miles beyond it, to destroy the stores at Colonel Barrett's. A portion of these had been removed, and were saved. In the mean time, the tocsin sounded far and wide, and the minute-men hurried from all the towns around to the help of their brethren in peril. By Colonel Barrett's direction, they were formed on the high grounds about a mile from the North Bridge, by Adjutant Hosmer, to the number of about four hundred and fifty. Concord, Lincoln, Carlisle, Chelmsford, Bedford, Westford, and Littleton were numerously represented there, and the Acton company marched up together. Smoke began to rise from the centre of the town, and the Americans must see their dwellings burned, or occupy the bridge and pass over it to the rescue. A short consultation was held among the officers. Captain William Smith, of Lincoln, volunteered to dislodge the enemy from the bridge. Captain Isaac Davis, of Acton, with a knowledge of his company which the event justified, remarked, "I haven't a man in my company that is afraid to go." Colonel Barrett "ordered them to march to the North Bridge and pass the same, but not to fire on the king's troops unless they were fired upon."† They advanced in double file, the Acton company under Captain Davis in front; Captains Brown, Miles, Barrett, Smith, and some others, with their companies, fell into the line; Major Buttrick, of Concord, had the command, and Colonel Robinson, of Westford, marched beside him as a volunteer. The British, when they saw them approach, began to take up the planks of the bridge. Major Buttrick remonstrated, and hastened his march. When they were within ten or fifteen rods,

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[*] Debate on the Bill for restraining the Trade and Commerce of the New England Colonies.

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* Clark's Account, April 19, 1776.

† Colonel Barrett's Deposition, April 23, 1775.

Laurie's party fired upon them, first a few shots and then a volley, killing Captain Davis and Abner Hosmer, of the same company, and wounding several others. The provincials returned the fire, killed one, and wounded several; and the regulars immediately retreated, "with great precipitation,"* towards the main body. This happened between nine and ten o'clock. The party under Captain Parsons soon after passed the bridge unmolested, and joined the main body. The troops remained in Concord till noon.

But now the country was indeed awake. The cry of innocent blood sped over the hills, and kindled the brave New England hearts in every hamlet. The spark struck out in that morning's collision was fated to light up the flame of a general war, and to burst into a second conflagration, the European revolution, which the blood of three millions of victims has not yet sufficed to quench. Already it ran rapidly over this land like an autumn fire in the prairies. The farmer, from the plough left standing in the furrow, the smith, casting down his hammer, up every valley, and along every pathway, the firm-nerved sons of toil, seizing the weapons choked with the rust of a long peace, rushed to arrest the progress of the destroyer, and to vindicate their outraged countrymen. The foe that, "like evening wolves, greedy of prey, . . . crept out of Boston, through a by-way, in the dark and silent night, that, unseen and unawares, they might lay waste and destroy,"† saw their hidden counsels discovered, and their boasted victory turned to shameful flight. The accumulated wrongs of many years crowded this hour of vengeance, and the wrath nursed in colonial vassalage, finding sudden vent, was poured without stint on the astonished heads of invaders who had visited their quiet homes with fire, havoc, and massacre. The guilt of the first blood weighed heavily on the disheartened fugitives, as they entered on their rout of terror, and transformed the king's troops, in the view of the exasperated patriots, into felons doomed and deserving to be hunted down like wolves. Their hatred of oppression merged in abhorrence of the unnatural crime of murder, which elevated the thirst of vengeance to a high and holy duty, "to execute the divine law in cutting off men of blood."‡ This conviction of a divine warrant, a positive command to cut off their enemies from the earth, took deep root in the puritan heart that day, and was assiduously cultivated by the clergy of New England through the war, making it inveterate because it was a war of conscience. "Choose out men; go fight with Amalek," thundered from the pulpits; "a curse is denounced against the man that withholdeth his hand from shedding blood, and even on him that doeth this work of the Lord negligently."* Truly these were genuine descendants of those iron Roundheads, who made inquisition for blood, who went up to the help of the Lord against the mighty, and smote them, hip and thigh; who read the one hundred and forty-ninth psalm before their battles, and cursed Meroz bitterly; who trusted in God and kept their powder dry, and shared with Oliver his crowning mercies. On that black and ever memorable day, April nineteenth, a bloody line was drawn across the scroll of history. British soldiers were no longer fellow-subjects of their anointed king, but bloody and deceitful men, whom God abhorred and would repay; sons of Amalek, who laid wait for Israel in the way when he came up from Eygpt, and smote him when he was faint and weary; against whom God was their succor and defence, breaking the bows of the mighty, that they who are girded with strength stumble and fall. *Hoc fonte derivata clades*, here first were "garments rolled in blood, which, from this source, has awfully streamed through the land." † "The crimson fount was opened; God only knew when it would close." ‡

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* Dr. Langdon's Sermon before Congress, May 31, 1775.

† Mr. Cooke's Sermon at Lexington, April 19, 1777.

‡ Cooke's Sermon, April 19, 1777.

About noon, Colonel Smith and the regulars took up their march for Boston. The outposts on their left, on the high ground, had been disquieted with the prospect of the husbandmen hastening along every road that winds round the hills, bringing with them the firelocks proved in the French war. Scant time had they to divide the half-cooked contents of the camp-kettles, and make, what was to many, their last hurried meal. A strong flank guard kept the ridge that runs by the road, and covered their left. Near Merriam's corner, the Reading minute-men, under Major Brooks, and the militia from Billerica, and some from other towns, came up, and made a stand. The British called in their flanking party, faced about, and fired a volley, which injured no one. The fire was immediately returned, and two British soldiers fell dead in the road near the brook.

After this, no vantage ground was unimproved. From behind trees, rocks, fences, and buildings, the quick, sharp report of the musket was heard, with deadly aim. The flanking parties suffered terribly, and whenever the nature of the ground brought them in, the shot fell frequent in the ranks of the main body. Near Hardy's Hill, the Sudbury company poured in their fire. The woods of Lincoln swarmed with minute-men, posted, in the Indian style, behind large trees. The stone walls were lined with sharpshooters, and the quick repeated flashes betrayed their numbers. Woburn had "turned out extraordinary," one hundred and eighty strong, who scattered behind walls and trees. The road is hilly and crooked, with forests and thickets near. In passing through these woody defiles, for three miles or more, the British loss was heavy. They sustained a constant, galling, well-directed fire, and could not return it with effect. Captain Parker with the Lexington company, smarting under the outrage of the morning, met them, and turning aside into the field, delivered a most deadly fire as they passed. A bright sun had been shining all day, and for so rapid and long-continued a movement, the weather was oppressively warm. The pursuers mustered in constantly increasing numbers. Ammunition began to fail the regulars. Worn out with fatigue, and tortured with thirst, the restraints of discipline could be endured no longer. They came down the hills on the run, and scarcely, by threats of instant death, could the officers retain them in their decimated ranks.

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* Cooke's Sermon, April 19, 1777.

† Cooke's Sermon, April 19, 1777.

‡ Letter to New York, quoted in Life of Hamilton, Vol. I.

> Hasty, hasty rout is there ;
> Fear to stop, and shame to fly,
> There confusion, terror's child,
> Conflict fierce, and ruin wild,
> Agony that pants for breath.

Their situation was desperate, and the detachment must soon have surrendered, if they had not been reinforced.

In pursuance of Colonel Smith's request in the morning, General Gage had ordered up eleven hundred men to relieve him. They consisted of three regiments of infantry, and two divisions of marines, with two field-pieces, and marched under Lord Percy, through Roxbury and Cambridge, to the tune of Yankee Doodle. They met the fugitives, about two o'clock, within half a mile of Lexington meeting-house, "so much exhausted with fatigue," says Stedman, "that they were obliged to lie down, for rest, on the ground, their tongues hanging out of their mouths, like those of dogs after a chase." The field-pieces played from the high grounds below Munroe's tavern, and kept the Provincials at bay. Awhile the battle paused; but devastation filled the interval. Buildings were set on fire, and others on the route plundered, and property wantonly destroyed. The British dressed their wounded; the retreating party took some refreshment, and the whole body rested about half an hour, a mile below the meeting-house.

Lord Percy was a nobleman of talent, valor, and skill; proud of the Northumberland honors. He had with him eighteen hundred veterans, schooled in victory in the old world, finely officered, furnished with well-served artillery, and goaded to revenge by the spectacle of their discomfited and bleeding comrades, driven like sheep before the rustic, undisciplined, and rudely-organized champions of freedom. Yet he did not turn upon his assailants, and evidently considered that he was accomplishing a most arduous achievement, and earning for himself no mean military reputation, if he could rescue his command, environed with peril, and conduct it without serious loss to Boston. No sooner were his troops in motion, than the minute-men and militia, rallied from a still wider circle than before, renewed the attack with unabated ardor. Wherever the windings of the road enabled the pursuers to bring the column in their line of fire, the dead and wounded dropped from the ranks. Lord Percy quickened his march. At West Cambridge, Hutchinson's company, consisting of twenty-four minute-men from Danvers, and Lieutenant Ebenezer Francis, and the same number of men from Beverly, with Foster's minute-men, principally from Danvers, but partly from Beverly, followed by Eppe's, Page's, and Flint's companies of militia, mostly from Danvers, and Captain Caleb Dodge's company from Beverly, reached the scene of action. They planted themselves in the route of the retreat, and prepared to receive the enemy, by throwing together a breastwork of bundles of shingles against the walls of an inclosure, a little west of the meeting-house. They probably had not heard of the reinforcement under Lord Percy, and expected to encounter, and intended to intercept, the jaded and harassed survivors of the Concord fight. They were soon undeceived, for the British, in solid column, descended the hill on their right, while a large flanking party advanced at the same moment on their left.* Surprised, outnumbered, and surrounded, they made a gallant resistance; some fell fighting and sold their lives dearly;† others surrendered and were basely butchered; so says the local tradition of their town. Captain Foster and a part of his men, who had not entered the inclosure, but had posted themselves behind trees on the hill-side, passed along the margin of the pond, and crossed the road directly in front of the British column, and fired from behind a ditch wall, as long as their shot would tell.‡ It is a fact, which certainly should never be forgotten in the commemoration of the acts of daring patriotism of the citizens, of about twenty towns, who took part in the pursuit that afternoon, that Danvers, distant sixteen miles from the spot where her children fell, lost a greater number of killed than any other town, after the retreat from Concord bridge, until the British entered Boston; greater than any other town during the day, with the single exception of Lexington. And though a son of that ancient and sober town which has waited patiently seventy-five years for her due meed of honor in the events of this great day, I shall venture to remark, that, though further distant from the line of the retreat, by several miles, than any other town that sent a musket into service that day, her ready zeal and self-sacrificing devotion are evidenced by the four names that represent the town of Beverly, on the list of killed and wounded.

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* Hanson's History of Danvers.

† "The greatest slaughter of the British took place, it is said, while they were on the retrograde, sweating with toil and blood, for three or four miles through the woody defiles in Lincoln, and in the upper part of Lexington, and again when their flanking parties were intercepted in Cambridge, by one or two companies from Danvers." Lexington and the 19th of April, 1775, republished in the Boston News Letter.

‡ For this, and some other incidents given above, I am indebted to the interesting address, delivered by Hon. D. P. King, on laying the corner stone of the Danvers monument.

The British had many struck at West Cambridge, and the fire grew perhaps hotter at the base of Prospect Hill. The flight quickened to very near a run down the old Cambridge road to Charlestown neck, to gain a shelter under the guns of the ships of war. At the close of the day, they ascended Bunker's Hill. There was no time to be lost on the road, for while the main body of the Provincials hung closely on their rear, a strong force was advancing upon them from Roxbury, Dorchester, and Milton, and Colonel Pickering, with seven hundred Essex militia, threatened to cut off their retreat from Charlestown.* Pickering's regiment reached Winter Hill, as the British passed down the Charlestown road. General Heath, soon after, ordered the pursuit to be stopped.† The next day's sun shone on the siege of Boston. The wolf was hounded to his den, and never since that day has he troubled the homes of the Massachusetts yeomanry. Bunker Hill, that gave them the first rest, after thirty-six miles' march of disaster and disgrace, was the only spot of Massachusetts soil outside the Boston lines, recovered by the enemy after his retreat, and this at the cost of more than a thousand killed and wounded, and a victory more fatal than many defeats. As the news of this day's slaughter, and its great revenge, spread through Massachusetts, every town sent up its contingent to the "American Grand Army," extemporized upon this sudden call. Putnam, to this day the hero of the popular heart, from Connecticut; Stark, insensible to fear as the granite mountains, from New Hampshire; Greene, who enjoyed and deserved the confidence of Washington, from Rhode Island, with the generous volunteers of those colonies, joined the Bay State regiments under General Ward, and a force of sixteen thousand men hemmed the veterans of Minden, sufficiently experienced on Middlesex battle grounds, within a narrow circuit, until, on the 17th of March, 1776, Washington, from the heights of Dorchester, beheld the embarkation and final flight of one of Britain's haughtiest and best-appointed armies, humbled and dismayed,* and the consecrated bounds of Massachusetts freed forever from the detested presence of a foe.

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* Washington writes, May 31, 1775: "If the retreat had not been as precipitate as it was — and God knows it could not well have been more so — the ministerial troops must have surrendered, or been totally cut off. For they had not arrived in Charlestown (under cover of their ships) half an hour, before a powerful body of men from Marblehead and Salem was at their heels, and must, if they had happened to be up one hour sooner, inevitably have intercepted their retreat to Charlestown." Sparks's Washington, Vol. II. p. 407.

† I have made free use of Mr. Frothingham's well-digested account of the battle, in his History of the Siege of Boston, with the materials in his notes; Shattuck's History of Concord; Messrs. Ripley, Phinney, and Adams's pamphlets on the local questions; and Mr. Everett's magnificent oration in 1825.

From Concord bridge, my friends, the rout began. Bunker Hill and Boston roads, Declaration Hall at Philadelphia, Saratoga and Yorktown, and the treaty bearing Franklin's signature, mark successive stages in the onward progress of America, and the continual retrograde of her enemy. Upon another element, where Britain reigned unrivalled and secure, what Manly, Mugford, and Jones begun, was carried on by Perry, and McDonnough, and Chauncey, Lawrence, Bainbridge, and Hull. The account, which was opened here, was closed by Jackson at New Orleans. The account of blood was closed, I say, and all arrears were fully paid. There remains between the great empire of the past and the greater empire of the future, a friendly rivalship of beneficent influences, which we may contemplate with unalloyed pleasure, and which is not the less the legitimate product of the first revolutionary movement here commenced.

Time would fail me to enumerate even the names of those who acted well their parts, that day. The host, that started at their country's summons that morning, has passed away from among us. The places that knew them, and honored them, know them no more. They have left the scene of their toils and perils, and gone to that home "where there are no wars nor fatiguing marches, no roaring cannon, ... but an eternity to spend in perfect harmony, and undisturbed peace." † Where all acted from a common impulse of duty, distinctions may seem invidious; but it is pardonable to recall, especially, the memory of those who were spared for other service to their country, in her councils, or in arms.

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* "We have one consolation left. Neither Hell, Hull, nor Halifax, can afford worse shelter than Boston." Letter of a British officer, from Nantasket Roads, March 26, 1776.

† Seth Pomeroy's letter to his wife, from the siege of Louisbourg, May 8, 1745.

Eustis, and Brooks, and Pickering, and Gerry, distinguished through long lives of usefulness by the confidence of their fellow-citizens, discharged the duties of important stations both in the State and in the nation, and affection and gratitude, with reverend sorrow, paid their funeral obsequies, — a fate how unlike that of the beginners of all other revolutions! The master-spirit of the Commonwealth of England, holding with a steady hand the helm of state, until death unloosed his grasp, was scarcely laid in his grave, before the sanctity of his tomb was violated, his ashes given to the winds, and his bones gibbeted with infamy. France saw the heads that inspired the councils of her liberty shorn away, one after the other, by the remorseless guillotine. America appreciates and trusts her patriot leaders, — her Adamses, her Franklin, Jefferson, and Washington, — and guards their dust among her choicest treasures. Thus she repudiates and falsifies that ancient maxim of patrician insolence, that republics are ungrateful.

But there are other names to be remembered in the list of those who drove the Percy in such hot haste to shelter, and those who hastened to surround the foiled lion, and prevent a second egress: among them are those that have resounded through the world, and whose echoes will not yet be lost in distant ages. General Heath, early in active service, took the command above West Cambridge, and endeavored to rally and form the minute-men, dispersed by Percy's artillery. Prescott of Pepperell, took part in the council of war held before Boston, the next day, and to him was intrusted the most arduous and momentous duty; deliberately to invite and defy to battle the whole British force in America, for the first time in the war, — a duty how nobly performed! Never did scarred and laurelled conqueror, from his triumphal car, look forward to so bright an immortality, as he who marshalled the elect of freedom, on the sod which Warren moistened with his blood. Warren himself, as ever careless of his life, was in the field, and active there.* At Lexington he encouraged the militia to disregard the fire of the field-pieces; at West Cambridge, he was in the hottest of the fight, and a musket ball passed through his earlock. The name of the president of the provincial congress belongs then, legitimately, to the recollections to be passed in review this day. The name of Warren, falling in his prime, in a sad and sanguinary defeat; sad, yet more glorious than any victory the muse of history had ever yet recorded, is and ever must be, embalmed in the hearts of the whole people of the republic. He left a fame that is the nation's common property; priceless, for gold could not buy it; secure, for no reverse of arms can tear it from us. So long as language shall be faithful to its trust; so long as tradition shall preserve the outline, after history has forgotten the detail; so long as one generous emotion shall warm the human heart; after the monument shall have crumbled, but while Bunker Hill shall stand, Warren shall be the watchword in the armies of liberty.

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* Dr. Eliot remarks of Dr. Warren, — "At the battle of Lexington he was, perhaps, the most active man in the field. His soul beat to arms, as soon as he learned the intention of the British troops."

But the generation of that heroic age, their work done, all done, well done, have passed from the land which they redeemed, and are gone. All gone? O no! It has pleased the Almighty Father of mercies, in his sovereign Providence, to continue to us two time-honored worthies of the veteran band, beyond the ordinary lot of humanity, sole lingerers on the verge of life, to witness the seventy-fifth year of freedom by God's blessing, and their good right arms, secured. Living mementos of the glorious past! Long may your valued presence remind us of our duty to the future, by showing what the past has done for us, by carrying back our thoughts to the times that tried men's souls. These are of the number that took their lives in their hand, and walked fearless among the death-shafts; counting all things earthly but as dross, that surviving they might point out to us, or dying might bequeathe to us, a more excellent way, a career of pure unshackled liberty. Alas! they are but two, out of so many thousands; sentries, waiting to be called in, of the rear guard of the grand army which has gone before them. Like the precious spices of the East, the rarer they grow, the more highly do we value them. Like the mystic books of the Sybil, these that remain represent to us the worth of those that are lost.

Favorites of Time, who has dealt so gently with you, what a contrast do your eyes behold when you compare the mighty empire which you helped to found with the feeble colony that gave you birth. The period of your life has been contemporaneous with the work of many ages: never before have a thousand years done for any nation under heaven what the last three fourths of a century have done for us. A thousand years constructed and confirmed the majestic fabric of the Roman empire; sages and warriors, through a thousand years of fixed purpose, iron resolution, and all-enduring fortitude, established the dominion of the eternal city, unshaken by the burthen of the world, and not to be destroyed, save in the wreck of the old heathen world passing away forever. But you, wonderful men, preceded by many years this empire; in the purple ripeness of maturely-developed youth, you stood by the cradle of this empire, when the young Alcides strangled the monsters sent by his step-mother; when our home was a strip of land between the ocean and the Alleghanies, which scattered settlers, with no wealth but the labor of their hands, disputed with the savages. You have lived to be citizens of an empire broader than Rome, mightier than Rome, wealthier than Rome, wiser than Rome, holier than Rome. Machinery, the creation of the free mind, does more for us, tenfold more, than all the arms of her many million subjects did for her. Look around you; all that you see, and all that your and our posterity shall see, is the fruit of liberty, and of that liberty, it is for you to say truly, we and our comrades, on the nineteenth day of April, planted the fructifying seed.

Look around you and survey your work. It is not enough that we proclaim that a small one has become a great people; that day by day new nations rise up to call you blessed; that even now, states, infants in years, but giants in vigor and proportions, press at your portals, asking admission as coördinate sovereignties, "demanding life, impatient for the skies." Look around you; measure the improvement of the condition of the individual denizens of all our towns and villages, and see if it tend not upward and onward in an accelerated ratio, equal, at least, to that of our political greatness. The hardy colonist extracted from the soil, with infinite labor, a frugal subsistence, uncertain how long he should hold even his earnings, for the mother country claimed the right to bind the colonies in all cases whatsoever, collecting few comforts, desiring no luxuries, without machinery, without capital, almost without intercourse, scarcely recovered from the exhaustion of ruinous French and Indian wars. The fair enchantress Liberty has waved her potent wand; prosperity and happiness crown all the hills and cover the plains; on every waterfall a city rises like an exhalation; the iron horse, the missionary which science despatches to lead the van of advancing refinement, snorts over the prairies scarcely abandoned by the disappearing buffalo; the electric nerve throbs with the impulse of intelligence from Halifax to New Orleans; internal commerce dips her silver oar in every lake; the birchen canoe of the native hunter is transformed to a water-borne palace, gorgeous with the adornments of high art, and steadying her upright keel against the wind, with the miraculous energy of imprisoned fire. Of the rich exuberance of our plenty we may impart with a world-wide charity; and ocean smiles to transport upon her bosom the messengers freighted with salvation to the famine-stricken millions of slavery-blasted Ireland.

I have inquired what consequences would have followed if the Mede had trodden out Hellenic liberty, and an Achæmenian despot reckoned Greece among his provinces; what would have been the effect of a Saracenic conquest of Europe? I might go on to imagine our own situation, if Great Britain had reduced her colonies to abject submission. Reverse the result at Marathon; should we have been here? Would the old world have known the existence of the continent of which Plato dreamed? Reverse the result at Tours, and where would have been the faith and hopes of Christendom? Reverse what was done at Concord bridge, and all that has followed out of what was there done, and I need not ask, should we have been free? How much of the freedom, well-being, and progress of Europe would the world yet wait for? Where would have been the miracles of the first half of the nineteenth century, and of the loftier anticipations of the portion yet to come of that century?

I might answer, mind moves the world, informs and agitates the mass, and fashions the future, before the wheels of time deliver it into being. All the elements of progress exist in thought before they are moulded in reality. The provincial mind is blasted with barrenness. The degree of freedom which our fathers enjoyed, at the time of the Concord fight, had become a paradoxical impracticability: it must either complete itself, or disappear. It was necessary that we should throw off the yoke of colonial vassalage, or sink to the level and wear the livery of that vassalage. It was the electricity developed in our revolutionary atmosphere that burst, in thunder, on slumbering France. Awaking France awoke the world.

Starting from these principles, I might work out the problem propounded; but it will be equally instructive, and far more satisfactory, to examine what has been, rather than to ask what might have been; to measure the strides of living liberty, rather than calculate the tracks of some fossil megatherium of extinct tyranny. Over what distance has the good goddess led us, since the young days of these our venerable friends; and how does our progress compare with that of other nations and of other times? Upon the threshold of this ample theme I pause; for the hours rush swiftly by, and to do justness to its vastness would delay you too long. There is no time to-day to survey the field. I will barely indicate a few of the landmarks.

Our present population is nine times that of the day of Concord fight, and a continuance of the same ratio for the same period, to the year nineteen hundred and twenty-five, will extend the blessings of this Union over more than two hundred millions of souls. Then the orator who shall stand upon this spot, will show that all these are not crowded, but that there is room for more. There is no probability that this aggregate will be less than double the whole population of the United Kingdom of Great Britain and Ireland, together with the French Republic.

Our present wealth is more than forty times that of the colonies seventy-five years ago. The annual income of the nation is at least twenty-five times as great as it was then. Our annual income was then about one tenth part that of France; now, it is nearly equal to that of France, and is gaining very rapidly upon that of the British Empire. Of the great element of power over physical nature, coal, our production is now greater than that of the world seventy-five years ago. Of iron, the chief instrument with which man subdues nature to his purposes, our product is greater than that of all the world seventy-five years ago. Of gold, the other main sinew of war, and the negotiator of the exchanges of peace, we produce more than the rest of the world now does. Our cotton manufactures exceed those of the whole world seventy-five years ago. Our tonnage exceeds that of the world seventy-five years since. It will soon surpass that of the British Empire, and in a few years, much short of three quarters of a century, it will far surpass that of the rest of the world. We have more printing presses in operation, and more printed volumes in the hands of our people, than the whole world had on the day of the Concord fight. More newspapers are printed in the city of Boston every day, than the whole world then produced. Since that day, America has produced the steamboat and adopted the locomotive, and there are more steam engines employed in Massachusetts than were then used in the world.

It would be gratifying to know how far these means of physical comfort, ease, and improvement, have been employed, it is our imperative duty to inquire how far they may and ought to be employed for the moral and intellectual advancement of a people so highly favored of heaven. The proper limits of this occasion forbid me to enter upon a new investigation; I can only express the hope that we should have no reason to blush at the results, if we had time to pursue it.

Over how broad a portion of the world have we extended the advantages we ourselves enjoy! Our domain unites the noblest valley on the surface of the globe, competent to grow food for human beings many more than now dwell on the face of the earth, with an eastern wing, fitted for the site of the principal manufacturing and commercial power of existing Christendom, and a western flank well situated to hold the same position on the Pacific, when Asia shall renew her youth, and Australia shall have risen to the level of Europe. Bewildering, almost, is the suddenness of our expansion to fill these limits, and astounding are the phenomena that accompany this development. This day there stands before the councils of the nation, deputed to participate in their deliberations, a young man born within sight of old Concord Bridge, and educated under the institutions which Concord fight secured, who, when he revisits the old homestead, claims to represent a territory larger than France and the United British kingdom; capable of containing, if settled to the present density of Great Britain, more than a hundred millions of souls; a territory lately the joint inheritance of the Indian and the grisly bear, now outstripping, in its instant greatness, all recorded colonies; the Ophir of our age, richer than Solomon's; richer than the wildest vision that ever dazzled Arabian fancy.

Occupying such a continent, receiving it consecrated by the toils and sufferings, and outpouring of ancestral blood, which, on the day we now commemorate began, how delightful is the duty which devolves on us to guard the beacon-fire of liberty whose flames our fathers kindled. Suffer it not, my friends! suffer it not, posterity that shall come after us! to be clouded by domestic dissension, or obscured by the dank, mephitic vapors of faction. Until now, its pure irradiance dispels doubt and fear, and revivifies the fainting hopes of downcast patriotism. Forever may it shine brightly as now, for as yet its pristine lustre fades not, but still flashes out the ancient, clear, and steady illumination, joy-giving as the blaze that, leaping from promontory to promontory, told the triumph of Agamemnon over fated Troy. It towers and glows, refulgent and beautiful, far seen by the tempest-tost on the sea of revolution; darting into the dungeons of gaunt despair beams whose benignant glory no lapse of time shall dim; the wanderers in the chill darkness of slavery, it guides, and cheers, and warms; it fills the universe with its splendor.

CHAPTER VI.

CAPITAL PUNISHMENT. MR. RANTOUL'S LABORS FOR THE REPEAL OF THE LAWS REQUIRING THE PENALTY OF DEATH.

THE web of man's moral and intellectual organization is early woven, and its results, whether of thought or sentiment, are determined and certain as the laws which mark the course of the stars. But to attempt to trace thought to its first objects, and to follow sentiment to its original emotion, that throb of the heart which gave it being, is to affect a wisdom scarcely less than omniscient. And yet we try with our imperfect reasoning, to account for the infinite phenomena of the human character; while all that is certain, in the result of our endeavors is, that we can know but little of the original springs of human action. At the best, we must be satisfied with conjecture. We see, however, beyond question, or doubt, the influence of early education — education, not of precept and example only, but of innumerable and unavoidable circumstances, constantly occurring, which are modified in their results, by the original and distinctive nature of every individual soul.

No benevolent and thoughtful person can look at the infant, clinging to its mother's breast, without finding himself running into curious and involuntary conjectures as to what kind of life may lie wrapped up in the delicate organization of that tender frame. Pleasure and pain are seen, at once, to be conditions of its being; but how far they shall be modified by that spark of immortality which constitutes the oneness, the personality, the identity of every human being, we may imagine but can never know.

We have seen that Mr. Rantoul's childhood was passed under wise and beneficent influences; and that his youth was favored with the best means of instruction. Happy in every circumstance, and in every guiding care that could mould the heart to virtue, was the scene of his earliest joys and his latest affections. New England, justly celebrated for her happy homes, could boast of few more rich with blessings, than that in which he received his most abiding, because first, impressions of truth and duty. Love and wisdom were the tutelary principles of that family altar, and its ministrations were conducted by parents competent and disposed to present acceptable offerings. While the time and talents of his father, without neglecting his private and domestic obligations, were almost incessantly devoted to the duties of a good citizen in the official administration of town affairs, or to those of the magistracy in which for forty years he has held a commission, or of the legislature, where either as representative, or senator, he served for a quarter of a century wanting but one session, as one of the most trusted and honored of the men of Massachusetts; the thoughts and cares of his mother were devoted to the culture, in her children, of those sentiments of virtue which gave to her own character the grace of a high moral purity, and the ineffable charm of a benevolent spirit. She was singularly amiable and discreet; scrupulously conscientious, and at the same time generously charitable. While she adhered firmly to her own convictions of duty, she was accustomed to treat with delicate tenderness and liberality, the motives and opinions of others.

Such, in a word, were the home influences by which the active mind of the subject of these Memoirs was more or less affected in its earliest developments. That their effect was considerable on his subsequent life, who can doubt? It is well known that his father so early as 1809, entertained opinions in opposition to the law of Capital Punishment. In that year he was first elected a representative from Beverly to the legislature; and he was annually chosen to the house or senate, for twenty-four successive years, — a testimony most honorable, of the estimation in which he was held by his fellow-citizens, who best knew him, and of his efficiency and usefulness in the office to which he was called by their choice. By the citizens of

Beverly he was elected with singular unanimity member of the present Convention, as well as that of 1820, for revising the Constitution of the Commonwealth; and of the distinguished body now in session he presided at the organization. That the opinions of one so honored and trusted, whose sentiments in relation to this important subject were well known, must have affected, to a degree, the views of those with whom he was associated in legislative duties; and especially, that they early turned the attention and naturally enlisted the feelings of his son, who even in the first years of his youth, evinced a singular maturity of thought upon great moral and political questions, is not to be doubted. He, (Mr. Rantoul, senior,) has kindly furnished the following history of attempts, which were commenced more than twenty years ago, to effect a reform of the laws requiring the penalty of death.

In 1829, Thomas Kendall, a representative from Boston, in January of that year, offered a motion to the house respecting this subject. This motion was referred to the Judiciary Committee, of which Francis Baylies of Taunton, was chairman. This committee very soon reported against any alteration in the existing laws. Mr. Kendall made some remarks in opposition to the report, whereupon Mr. Baylies made an able speech in its support, but not confining himself to the subject, he, with his usual wit, ridicule, and sarcasm, attacked Mr. Kendall personally; but the latter gentleman and the subject in which he felt a deep interest, found a ready defender equally able with Mr. Baylies, to say no more, in Caleb Cushing, then a representative from Newburyport. Mr. Cushing's speech was manly and philanthropic, and had a powerful effect upon the house. The result was that the report of the Judiciary Committee was referred to a special committee, who then had under consideration the expediency of a revision of the Penal Code. To this committee, Mr. Cushing, and Theodore Sedgwick of Stockbridge, both of whom were known to be favorable to an alteration of the laws in regard to the subject, were added. At this time I interested myself and endeavored to influence others in favor of the abolition of the penalty of death. I voted on all occasions for its repeal.

In March, 1831, William Sullivan, Thomas Kendall, and John B. Davis, all of Boston, Oliver Holden of Charlestown, and myself were appointed by the house a committee to consider the subject of Capital Punishment and to report at the next session of the general court. An able report from this committee was prepared by General Sullivan, and he not being reëlected, I presented it to the house on the 10th of June, 1831, and it was read, laid on the table, and ordered to be printed. This was the first extended report on this subject presented by order of the legislature, and at a subsequent session was, on motion of Rev. Thomas Whittemore of Cambridge, ordered to be re-printed. On the 18th of June, this report was taken up and committed to myself, Thomas Kendall, Stephen Oliver of Lynn, Oliver Holden, and Francis Bassett of Boston. This committee reported a reference to the next session, and that Willam Sullivan be authorized to draft bills in conformity with his report. In January, 1832, the Speaker laid before the house a communication from Mr. Sullivan, inclosing three bills prepared by him. These bills were referred to a committee of which I was a member, and were reported with amendments; but the time had not come for the passage of such laws, and they were rejected.

Mr. Sullivan's report was reviewed in the Christian Examiner for July, 1833, by Rev. Andrew P. Peabody.

The venerable gentleman who furnishes the above interesting account of the attempts which from time to time had been made in the Massachusetts legislature, to repeal the death penalty, says in reference to his son's subsequent labor to that end, "I do not attribute this so much to the influence of my own views, as I do to the influence of the well known opinions of his nearest female relatives." This modest estimate of the influence of his own character, pays a heartfelt tribute of homage to the moral worth, the intellectual accomplishment, and the benevolent spirit of the nearest female relatives of his son, more eloquent than the most extended eulogium.

The abolition of capital punishment was not again agitated in the legislature, until the subject of these memoirs became a member of the house in 1835. On the eighth day of the session, Mr. Rantoul of Gloucester, Ruggles of Fall River, and R. G. Price of Boston, were a committee to consider the "expediency of repealing all such laws, as provide for the infliction of the punishment of death;" and on the twenty-fifth of the next month, February, he, as chairman of the committee, reported a bill for that purpose, which was read and ordered to be printed. On Tuesday, March 31st of the same year, he made an able speech in support of the proposed repeal of the death penalty. Coming warm from the heart, glowing with brilliant thoughts, and strong with unanswerable arguments, the house felt the force and justice of the appeal, and all but thirteen members voted for the bill. What a triumph for the young and eloquent advocate of truth and humanity! This was the first of the reports which he presented to the house in the four successive years of his membership. Of these the first and second were several times printed, and that of 1836 obtained a high reputation in Europe, being considered standard authority, and quoted as such in France, Belgium, Germany, and Italy. The ablest writers wherever the English language is spoken, who have advocated, recently, the reform of the penal laws, and their adaptation to the demands of justice and the enlightened sentiments of modern civilization, have been largely indebted to Mr. Rantoul's ripe thoughts and sound reasoning. His speeches in support of reform of the laws regulating the death penalty, and especially his speech in the session of 1836, were among the most brilliant and eloquent ever delivered in a legislative assembly. The Boston Atlas furnishes, it is believed, the only existing report of one of these speeches. It is published here in connection with the elaborate report above referred to, namely, that of the session of 1836, and cannot fail to be of permanent interest. Brief as was his career as a statesman and a philanthropist, he lived to see the measure he so strenuously and ably advocated, gaining respect throughout Christendom, and virtually adopted in his native State.

The following is a report, from the Boston Daily Atlas of 1836, of remarks of Mr. Rantoul on Capital Punishment, in answer to the speech of the Hon. Francis C. Gray.

Mr. Speaker, — The gentleman who has just taken his seat, has entertained the house with an argument so carefully prepared in the choice of topics, their arrangement, the eloquence and finish of the language in which it is clothed, and the elaborate adaptation of every sentence to the effect which he intends to produce, that I cannot doubt but this is the principal effort to be made against this bill, and that it requires to be answered somewhat at length, and in detail, although, from the necessity of the case, I must reply without a moment's deliberation. The gentleman has first delivered general theories, upon the nature of society, to which I shall in the main agree, though I shall deny his inferences, which have no connection with his premises. He then reasons from experience, as he tells us, though in fact it is from his own limited observation, and partly from unfounded prejudice, *against* the experience of the whole world, so far as the committee have been able to collect it after a somewhat diligent and thorough investigation. The gentleman can take no offence, if I apply to the situation of his mind upon this subject one of those happy illustrations with which he has enlivened his own speech. "Such is the infirmity of our nature, that to those who dwell on one point intently, and brood over it long, it assumes an unnatural importance, occupying their whole attention to the exclusion of objects really of greater magnitude, as a pebble before the eye hides a mountain in the distance."

Let us look, then, Mr. Speaker, at the experience of the gentleman as he has testified to it, and at the experience of the world as we have been able to ascertain it. Standing at an equal distance from both, and viewing them with an impartial eye, let us compare the pebble which the gentleman has contributed, to the mountain of facts collected by the committee, and exhibited by those who have addressed the house in favor of this bill. Let us look at them in every point of view. Let the eye measure both at a distance, — then examine both closely and deliberately. Take the pebble in your hand; turn it over, poise it, scrutinize it, till you know what it is, and how large it is, — then walk round the mountain, survey it, ponder on its dimensions, and its antiquity as well as its vastness, — then let every clear-sighted member of this house determine what proportion this small and perishable pebble, crumbling while you look at it, bears to the eternal mountain of indestructible truth. I have no paternal anxiety for the theories of the report. Scatter them, if you please, to the four winds, — if they do not rest upon facts, I will rejoice, and even participate in their destruction. But, Sir, I take my stand upon experience, and I am glad that the gentleman has tendered an issue which I can cordially accept. I take my stand upon experience, and from this ground I cannot be dislodged. "It is not surprising," as the gentleman has remarked, "that all men should speculate on this subject, whether acquainted with its details or not." It will be very surprising, however, though it will not be the fault of the advocates of this bill, if its opponents do not become better acquainted with the subject than they appear to be thus far. "It is natural that theory should be allowed, as it is, to prevail over experience;" but it shall not be our fault should such be the result in the present case. I trust to the good sense of the house, that, by the passage of this bill after it shall have been amended, it will appear that in one instance, at least, experience is to be allowed to prevail over theory. The gentleman tells us, that he felt especially bound to address the house, because from the official relation in which he had stood for some years towards the State Prison, he had thought much upon this subject, and was acquainted with facts having a large bearing upon it. No doubt he has had remarkably good opportunities to acquire information, and no doubt he has made the best use of those opportunities. What is the amount of experience introduced with this preamble? Simply a single, solitary, isolated fact, of the very narrowest extent, and not warranting any conclusion whatever, if it stood alone; but by no means establishing a theory directly contradictory to all the facts introduced into this debate *on either side.* It is, that in fifteen months from January, 1818, while highway robbery was not capitally punished, there were four cases of that crime. Sir, this is true, and I intended to have mentioned it when up before, as an instance of the insufficient and partial views on which we often legislate. These four cases in fifteen months produced the law of 1819, a law urged by one of the prosecuting officers of this State, but strenuously opposed by some of the wisest and best men in the legislature, who thought we should look over a wider space and longer time than fifteen months in Massachusetts, to construct a general theory. Dr. Johnson remarked in 1751, that it was always the practice, when a particular species of robbery became prevalent, to endeavor to suppress it by capital denunciation; but he affirms, this method has long been tried with little success, and that the experience of past times gives us little reason to hope that any reformation will be effected by it.

Our legislature overlooked the experience of past times, to try once more that experience of blood which has always failed. In a short time after the law went into force, three men were hanged for highway robbery in the space of three months, a much more striking fact than that four cases should have occurred in fifteen months, — the single fact on which the gentleman's theory rests, — the only fact yet brought forward to disprove Dr. Johnson's position, that "the frequency of capital punishment rarely hinders the commission of crime, but naturally and commonly prevents its detection." But why does the gentleman build a theory upon these fifteen months, when he does not pretend, and will not pretend, that for the one hundred and thirty-three years when this offence was not capital, this crime was any more common than during the sixty years when it was capital? It is because all the facts on a large scale are, without one exception, adverse to his argument, that the gentleman shut himself up in this very narrow circle. So insignificant is this circumstance, that it could not command a moment's attention if it were not for the weight which the gentleman gives it. Not only is it his fact, his only fact, but it is the only fact yet produced, in a debate of several days, having the least tendency to show that the substitution of imprisonment for life, instead of death, ever increased crime. And, as those gentlemen who parade this one fact call themselves practical men, while they rehearse their theories and conjectures to the house, and set us down as mere speculators and theorists, while we read from the record authentic and numerous facts, upon a large scale, and conclusive for the purpose for which we use them, — facts which they do not, cannot and will not, doubt or deny, and which they hardly attempt to explain, — it seemed to be proper to point out to the house the precise amount of matter of fact which these very practical men have thus far furnished as the only definite and tangible specimen of that experience of which we have heard so much, but seen so little.

So much for the pebble, — look at the mountain. I go not back to Egypt, though the experience of a long reign, under Sabak, or Sabakos, with the approbation bestowed by Diodorus on that experiment, might deserve to be met otherwise than by a sneer. I shall say but little of the Roman law, though a period of two hundred years may be thought to test more fairly the tendency of any punishment, than the short space of fifteen months selected for the purpose. In Rome, by the Porcian law enacted in the year of the city 453, it was forbidden to put to death a Roman citizen. This law continued in force two hundred years, and "it was never observed," says Montesquieu, "that this step did any manner of prejudice to the civil administration." Was it a "morbid sensibility" that originated and perpetuated this law? The unrelenting sternness of the Roman character is too well known to admit this favorite suggestion of a sanguinary code. Cicero thus bears his testimony to the noble sentiment upon which the Porcian law was founded: "Far be from us the punishment of death, — its ministers, its instruments. Remove them not only from actual operation on our bodies, but banish them from our eyes, our ears, and thoughts; for not only the execution, but the apprehension, the existence, the very mention of these things is disgraceful to a freeman, to a Roman citizen." This is the language of a heathen, but it would do honor to a Christian orator.

I shall not dwell long upon the example of Russia, though there the experiment was upon a vast scale, and for a long time. The Empress Elizabeth abolished the punishment of death, and Catharine II. followed in her footsteps, and excluded it from her code. I quote now Blackstone, a thorough-bred conservative lawyer, and what says he to a course so opposite to the savage spirit of British law? In his Commentaries, he thus expresses himself: "Was the vast territory of the Russians worse regulated under the late empress Elizabeth, than under her more sanguinary predecessors? Is it now, under Catharine II., less civilized, less social, less secure? And yet we are assured that neither of these illustrious princesses have, throughout their whole administration, inflicted the penalty of death; and the latter has, upon the full persuasion of its being useless, nay even pernicious, given orders for abolishing it entirely throughout her extensive dominions."

These instances it will be said are remote, and the gentleman from Salem, (Mr. Williams.) who shot off in a tangent to China, and gave us somewhat apocryphal statements of the policy of the celestial empire in answer to my New England facts, objects that any one else should go so far from home. For this reason the report does not allude to Egypt, ancient Rome, or Russia, yet the report contains a collection of facts so extensive, that my friend from Salem was alarmed at the expense of printing it. That collection would have been made much larger, if objection to the length of the document had not been anticipated. Now let the house remember, that, throughout this long debate, not one of the facts stated in that report has been denied, or even doubted, — not one of those facts has been explained away, — not a single fact has been produced to offset against them, except the solitary fact so much relied on by the gentleman from Boston. We have had conjectures, imaginations, speculations, and theories offered to us in abundance, but no facts. The committee, on the other hand, have not indulged in conjectures, — they have accumulated a mass, a mountain of facts, such as they believed to be irresistible, and perhaps the house will be of the same opinion. Because we will not prefer conjectures to facts, we are called theorists. Gentlemen first plume themselves upon the wisdom of experience, and then scoff at all the lessons of experience. They at first declaim bitterly against theoretical speculations, then ask us to believe because they guess it will be so, that what always has happened when the experiment of mercy has been tried, in all ages and countries, certainly will not happen if it be tried once more; but that a consequence which never did happen in any known instance, inevitably will follow in the next case that occurs. Practical men these, surely! This is as much as if one were to say, heavy bodies, to be sure, have gravitated toward each other in all parts of the world, as far as I have seen or heard, and all the rivers that I know of run down hill; but then, Sir Isaac Newton and the Marquis La Place were a couple of speculating theorists, and I expect the next river we meet with we shall find it running up hill.

Before passing from the report, allow me to recur to one of the cases there enumerated, — that of Tuscany. "It is remarkable that the manners, principles, and religion of the inhabitants of Tuscany and of Rome are exactly the same. The abolition of death alone, as a punishment for murder, produced this difference in the moral character of the two nations." The difference is too striking to be passed without particular notice. We have the authority of Dr. Franklin that in Rome, where the punishment of death was inflicted with great pomp and parade, *sixty murders* were committed, in the short space of *three months*, in the city and vicinity. Count de Sellon, of Geneva, on the other hand, assures us, that the suppression of this punishment was attended with the happiest effects, insomuch that high crimes almost entirely disappeared in Tuscany for thirty years, while they increased in the surrounding countries in which the punishment of death was frequently inflicted.

Lord Suffield, in the British Parliament, on the thirteenth of July, 1831, remarked that the indirect but certain tendency of the punishment of death, is to increase crime. This may now be considered as an axiom in political science. His lordship established it both by reasoning and by statistical proof. Among other facts, he mentioned this: While Sir James Mackintosh was Recorder of Bombay, capital punishments were suspended altogether for seven years. The number of murders diminished during that period to six, whereas, during the preceding seven years, there had been eighteen convicted for murder, and twelve executions.

The gentleman is anxious to look particularly at the experience of our own State. To this I agree. Suppose it to be true, as alleged by the opponents of this bill, that the crimes now punished with death are rapidly increasing in this State; I am not satisfied that this is the fact, but if it be, does it furnish any reason for continuing the punishment which is found to be effectual?

If these crimes are increasing among us, certain it is that they have diminished very remarkably in States where they have ceased to be capital. In Pennsylvania, for fourteen years before the reform of their criminal code, in 1794, the number of executions was fifty-nine; forty years since it has only been thirty-nine, less than one a year. Before the reform, there was one execution a year for murder, although the population was so much smaller than at present. Of the prisoners received at the Western Penitentiary in 1833, there were eight for murder, one for murder in the second degree, one for rape, none for highway robbery, none for arson. Whole number of committals in the State in 1833, was one hundred and forty-three, — about one to ten thousand. This is a smaller proportion than in any State in New England except New Hampshire, and there appears to be a smaller proportion of each of our six capital crimes among them, as well as with us. Massachusetts has one committal to the state prison for every seven thousand inhabitants. In New Hampshire, only treason (a nominal crime) and murder are punished with death. They have one committal annually for every sixteen thousand inhabitants, — less than half the proportion of Massachusetts. The old and bloody law of 1791 was similar to ours; but by the law of June 19, 1812, burglary, robbery, rape, and arson, are punished by imprisonment. For thirteen years after this change, out of two hundred and forty-one prisoners, the whole number committed, there were three for burglary, three for arson, none for robbery, none for rape. Where can a prison be found where, for so long a time and among so many convicts, so few were sentenced for arson, burglary, robbery, and rape? Where can a State be found, with so large a population, so free from these crimes?

In Maine, an alteration in their law took place in February, 1829, by which robbery, burglary, and rape ceased to be capital. The results are very striking, and the more so because Maine was for many years governed by our own laws. In the county of Cumberland, for six years before the reform in the law, there were seven committals for the crimes mentioned. Since the reform, for seven years, there has been but one committal only, — a case of burglary in 1834. In the county of Washington, for six years preceding the change, there were five committals for these crimes. In 1829, the year of the change, there were two committals; and since 1829, for six years, there have been none. In the whole State of Maine, there were thirteen committals for these crimes in the six years previous to the change; for seven years after there were five cases only. Considering the increasing population, there should have been eighteen or nineteen, instead of five, to have kept up the same proportion. It has not been pretended that the experience of Ohio, where the law is the same as in Pennsylvania; or of Vermont, where it corresponds with that of Maine, varies at all from that already given in detail. Can these results be accidental? In a single case like that quoted by the gentleman from Boston, it might be so. But in the uniform, the universal agreement of all these instances, we cannot fail to see the operation of the same cause producing the same effect.

We are told, however, that in Massachusetts crime is increasing. I stop not to inquire how far this may be true; but if so, is it not high time to abandon the medicine under which the patient has always grown worse, and try that which has never failed to improve the condition of all who have resorted to it?

There has been but one attempt to explain away these facts, and that was by the gentleman from Salem, (Mr. Williams.) who tells us it is all owing to the temperance reformation! Was there a temperance reformation in Tuscany, under Leopold, lasting thirty years? Was there a temperance reformation in Pennsylvania, commencing in 1794? Did the temperance reformation begin in 1812, and in Maine not until 1829? And if, since 1829, the temperance reformation has produced such astounding results in Maine, why has it not operated in the same way here in Massachusetts? It is a great, a glorious, a blessed reformation, — as much so in Massachusetts as in Maine. No doubt it has diminished crime in both States, and probably in the same proportion very nearly. But some other cause, operating in the one State, and not in the other, must be concerned in producing a diminution of a whole class of crimes to less than one third of its former proportion, for seven years together, in the great State of Maine, while no such change has taken place in Massachusetts.

Sir, the advocates of this bill do not ask the house to try any novel experiment. They ask you to abandon an experiment cruel and unchristian in itself, and which, having been tried in instances innumerable, has always signally failed. They ask you to adopt an improvement which has been amply tested, and always with the happiest success. They do not merely ask you to refrain from the wanton and gratuitous shedding of blood, but to follow that course which all experience has shown to be the most effectual to diminish the frequency of crime. Set at naught, then, the idle theories of gentlemen who oppose their conjectures of what will be, to the uniform evidence of what has been. If, in the opinion of the house, the public are not yet ready to sustain the whole bill, it may be amended. But after murder and arson have been exempted from its provisions, — if the house see fit to exempt them, — I trust the bill will pass. Its passage will be the triumph of truth and reason over error and prejudice, of fact and experience over imagination and theory. I have the utmost confidence in the event, for I rely upon the good sense of the house, supported as it will be by the good sense of the community.

REPORT ON THE ABOLITION OF CAPITAL PUNISHMENT.*

THE committee appointed to consider the expediency of abolishing capital punishments, to whom was referred so much of the Address of His Excellency the Governor as relates to Capital Punishment, and numerous petitions from the citizens of the Commonwealth, praying that capital punishment may be abolished, have considered that subject, and respectfully ask leave to report: —

That they view the question submitted to them as one of momentous importance, — deeply concerning the general welfare of society, by its connection with, and influence upon the prevailing standard of moral rectitude, and in the ultimate decision of which, according to the fundamental principles of Christian morality, not only each legislator, but every member of the community, ought to feel a solemn interest and an individual responsibility. The undersigned have approached this question with an anxious solicitude to arrive at a definite and correct conclusion; that, if their inquiries should result in the melancholy conviction that it is necessary to take away human life, in all or any of the cases for which the present laws prescribe the penalty of death, they might be able to produce such proofs of that necessity, and assign such arguments for the justice of the exercise of the highest prerogative ever claimed by human governments, the power of life and death, as would be satisfactory and unequivocal, and sufficient to remove the painful doubt, of late so common, whether we have good warrant for the legislation now under consideration. If, on the other hand, this investigation should lead to the decision, so grateful to humanity, that we are not called on in any case to pronounce the life of any individual forfeit to society, and to be sacrificed for the common safety, but that human life, as it is the gift of the Almighty, is by his fiat alone to be taken away, then the undersigned would most ardently desire to place that truth in a light so clear that no candid mind could resist the evidence which sustains and enforces it.

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* From the Legislative Documents of 1836.

Your committee derive much encouragement, in entering upon the inquiry before them, from the fact that it comes to them with the eloquent and emphatic recommendation of his Excellency the Governor, in his address on the organization of the government of the Commonwealth for the current political year.

"The subject of crime and punishment has for several years received much attention," says his Excellency, "both in Europe and America; and it is generally admitted, that discoveries and improvements of great practical importance have been made in this country. These improvements are in successful operation, at the state prison in Charlestown." It may be worth our while to recollect that most of these discoveries and improvements, now sanctioned and approved in our own sphere of observation by "the test of the sure teacher, experience," were originally suggested by the late Jeremy Bentham, to all whose plans of reform, as well those adopted by his Excellency in his address as others, the epithets, radical and visionary, were but a few years ago indiscriminately applied, and that, too, much more loudly and confidently than the same epithets are now applied, by some few devoted adherents to ancient usages, to the meliorations of the criminal code which his Excellency recommends. His Excellency remarks in continuation, that "The ancient rigors of the penal code have been mitigated. Punishments revolting to humanity have been abolished, and others substituted, which are believed to answer, with equal efficacy, all the ends of penal justice; and which are more conformable to the humanity of the age, and to the mild spirit of Christianity. A grave question has been started, whether it would be safe altogether to abolish the punishment of death. An increasing tenderness for human life is one of the most decided characteristics of the civilization of the day, and should in every proper way be cherished. Whether it can, with safety to the community, be carried so far as to permit the punishment of death to be entirely dispensed with, is a question not yet decided by philanthropists and legislators. It may deserve your consideration, whether this interesting question cannot be brought to the test of the sure teacher, — experience. An experiment, instituted and pursued for a sufficient length of time, might settle it on the side of mercy. Such a decision would be matter of cordial congratulation. Should a contrary result ensue, it would probably reconcile the public mind to the continued infliction of capital punishment, as a necessary evil. Such a consequence is highly to be desired, if the provisions of the law are finally to remain, in substance, what they are at present. The pardoning power has been intrusted to the chief magistrate; but this power was not designed to be one of making or repealing the law. A state of things, which deprives the executive of the support of public sentiment, in the conscientious discharge of his most painful duty, is much to be deplored." These remarks your committee believe to be applicable, though with different degrees of force, *to all* the crimes made capital by our existing code. They regard, however, only the expediency of the law, and do not touch the higher question, previous in its nature, of the right to inflict the punishment of death.

Though it may not be necessary for your committee to express an opinion upon the right, if, after admitting the right, it should be found that upon grounds of expediency alone this punishment ought to be entirely dispensed with, yet as the right itself to take away life is now utterly denied by many thousand citizens of this Commonweath, whose number seems to be rapidly increasing, your committee have thought it proper to state, so far as they understand them, the principles upon which this denial rests, leaving it to the wisdom of the legislature to allow those principles due weight in its deliberations.

It is said, then, that society is nothing but a partnership, and further, that it may with propriety be styled a *limited partnership*, created and continued for *specific purposes*, — for purposes which are easily defined. These purposes are all of them benevolent and philanthropic, and it is the continual boast of Americans that we have succeeded in accomplishing them more uniformly and completely, and with less unnecessary suffering or avoidable injustice, than any association of men that has ever preceded us. This proud assumption of superiority rests, we believe, upon a foundation of truth, and is established impregnably in our history. Your committee would be among the last to deny or to doubt it: yet it is impossible that our system should be by any means perfect, since it is the work of finite human faculties, and since that approach towards perfection which is within the compass of human capacity must always be the tardy growth of many ages of gradual, irregular, and often interrupted improvement. The class of reasoners of whom we are speaking, hold the infliction of capital punishment to be one of the most obvious vices in our present mode of administering the common concerns.

We are all of us members, say they, of the great partnership. Each one of us has not only an interest, but an influence, also, in its proceedings. Shall the partnership, under certain circumstances which will probably happen now and then, proceed deliberately, with much ceremony, and in cold blood, to strangle one of the partners? Has society the right to take away life?

The whole object of government is negative. It is for the protection of property, life, and liberty. It is not for the destruction of any of them. It is not to prescribe how any one may obtain property, how long one may enjoy life, under what conditions he may remain at liberty. It was precisely to prevent the strong from controlling the weak in all these particulars, that government was instituted. It is to take care that no man shall appropriate the property of another, that no man shall restrain the liberty of another, that no man shall injure the person, or shorten the life of another. Having performed these duties, its office is at an end. It is not to become itself the most terrible invader of the interests it was created to protect, acting the part which the lion acted when he was made king of beasts; nor, except where men are sunk in beastly degradation, will they permit it to usurp and monopolize all the prerogatives which elevate man above the brutes, and make him lord of the lower world. It is to be the servant of the community, and not its master. It is to keep off harm from without, and to preserve order within: not to interfere in any man's business, but sternly to forbid any other man from interfering with it. In short, it is to leave every one untrammelled in the free enjoyment of all his natural rights, to pursue his own best happiness in his own way, so long as he does not violate the rights of another.

Government is a necessary evil. It is for our ignorance, for our folly, and our wickedness, that we are shackled with its control; and we submit to it only that it may shield us from the heavier curse, the eternal and deadly warfare which men must wage against one another, if left in a state of total anarchy, without the possibility of a common arbiter of differences, or a mutual protector from each other's aggressions. Protection being the only object of society, it follows that we surrender to it, for the purpose of preserving our natural rights as nearly unimpaired as conflicting claims will in the nature of things admit, only so much liberty as it is necessary should be relinquished to that end. To give up more, by the division of a hair, would be to counteract so far the very endeavor we are making when we are forming the social compact to secure the full enjoyment of our natural rights. It needed not, therefore, the authority of Montesquieu, or of Beccaria, to give weight to the maxim, that every punishment which does not arise from absolute necessity; and even every act of authority of one man over another, for which there is not an absolute necessity, is tyrannical. The right to punish crimes is founded upon the necessity of defending the public liberty, and is coextensive only with that necessity.

To suppose that any people has entered into a compact giving unlimited powers for all possible purposes to its government, would be to suppose an obvious absurdity; yet this is what most governments assume as far as they dare, never admitting any limits to their prerogative except those which are forced upon them by resistance, or the immediate apprehension of resistance. To suppose that limited grants of power are to be used for any other than the purposes for which they were made, is almost equally absurd; yet this is the supposition constantly acted on in the practice of almost every government that ever existed.

Whether, in entering into the social compact, we gave up our lives, to be thrown into the common stock and disposed of as society might will, is a question to be decided with reference to these principles, and it may be thought to be quite settled, beyond dispute, by the bare statement of these principles. Philosophers and jurists of the highest reputation have, however, disagreed in the inferences which we should draw from them. Rousseau supposes that in consequence of the social contract between the citizens and society, life becomes "a conditional grant of the State," to be given up whenever the State shall call for it. This theory has the merit of being consistent and intelligible, but it is anti-republican and slavish. It forgets that "the rights and the welfare of individuals," and not "projects of public aggrandizement," are, as his Excellency has styled them in his address, "the great objects of civil society." Rousseau understood neither the nature of despotism nor the nature of liberty. His system provides no sufficient safeguards for minorities and individuals, but leaves them exposed to the tyranny of majorities, a tyranny as much to be dreaded, where a wise forecast has not provided strong guarantees against it, as the irresponsible power of a single autocrat. Athens and France, ancient democracies and modern popular revolutions, attest the magnitude and danger of that error which overlooks the happiness of individuals, and views the public aggrandizement as the great design of the association. Robespierre was a sincere and enthusiastic follower of the political system of Rousseau, and, although the philosopher would doubtless have disavowed the excesses to which the principles of his school were pushed by his disciples, the reign of terror will ever be referred to as a proof and an illustration of the mischiefs of uncontrolled and irresponsible power, even in the hands of a popular majority, or of a government growing out of, and resting solely upon the popular will. The truth is, the people are not only the sovereigns, but they should take care to retain in their own hands, and as individuals, by far the greater portion of their sovereignty; yielding to society, as an equivalent for its protection, only so much power as is necessary to enable it to perform that duty; which grant should be hedged about with the strictest limitations, carefully prescribed, and rigidly, nay sacredly observed.

When we surrendered to society the smallest possible portion of our liberty, to enable us the better to retain the aggregate of rights which we did not surrender, did we concede our title to that life with which our Creator has endowed us? Is it to be conceived that we have consented to hold the tenure of our earthly existence at the discretion, or the caprice of a majority, whose erratic legislation no man can calculate beforehand? While our object was to preserve, as little impaired as might be possible, all our rights, which are all of them comprehended in the right to enjoy life, can we have agreed to forfeit that right to live while God shall spare our lives, which is the essential precedent condition of all our other rights? Property may be diminished, and afterwards increased. Liberty may be taken away for a time, and subsequently restored. The wound which is inflicted may be healed, and the wrong we have suffered may be atoned for; but there is no Promethean heat that can rekindle the lamp of life if once extinguished. Can it be, then, that while property, liberty, and personal security are guarded and hedged in on every side, by the strict provisions of our fundamental constitution, that life is unconditionally thrown into the common stock, not to be forfeited in a specific case, agreed upon beforehand at the organization of our society, but in all such cases as the popular voice may single out and make capital by law? Have we entered into any such compact?

The burthen of proof is wholly upon those who affirm that we have so agreed. Let it be shown that mankind in general, or the inhabitants of this Commonwealth in particular, have agreed to hold their lives as a conditional grant from the State. Let it be shown that any one individual, understanding the bargain, and being free to dissent from it, ever voluntarily placed himself in such a miserable vassalage. Let there, at least, be shown some reason for supposing that any sane man has of his own accord bartered away his original right in his own existence, that his government may tyrannize more heavily over him and his fellows, when all the purposes of good government may be amply secured at so much cheaper a purchase. In no instance can this preposterous sacrifice be implied. It must be shown by positive proof that it has been made, and until this is undeniably established, the right of life remains among those reserved rights which we have not yielded up to society.

It belongs to those who claim for society the rightful power of life and death over its members, as a consequence of the social compact, to show in that compact the express provisions which convey that power. But it cannot be pretended that there are or ever were such provisions. It is argued, as boldly as strangely, that this right is to be implied from the nature of the compact. It may seem unnecessary to reply to such an assumption; but it has often been advanced, and for that reason deserves our notice. In point of fact, there is no social compact actually entered into by the members of society. It is a convenient fiction, — a mere creature of the imagination, — a form of expression often used to avoid long and difficult explanations of the real nature of the relation between the body politic and its individual members. This relation is not, strictly speaking, that of a compact. It is not by our voluntary consent that we become each one of us parties to it. The mere accident of birth first introduced us, and made us subject to its arrangements, before we were in any sense free agents. After we had grown to the age of freemen, and had a right to a voice in the common concerns, what alternatives had we then left? Simply these: Resistance to the social compact, as it is called, under the prospect of producing ruin, confusion, anarchy, slaughter almost without bounds, and finally ending in a new form of the social compact much more objectionable than that which had been destroyed, if the resistance should prove successful: should it fail of success, incurring the penalty of treason, a cruel death, to such as have not been fortunate enough to fall in the field of battle. Flight from the social compact, that is to say, flight not only from one's home, friends, kindred, language, and country, but from among civilized men, perhaps it may be said from the fellowship of the human race. Or, lastly, submission to the social compact as we find it, taking the chance of our feeble endeavors to amend it, or improve the practice under it. To this result almost every man feels compelled by the circumstances in which he finds himself;

circumstances so strong as to force from an inspired apostle the declaration, though he wrote under the tyrant Nero, a monster of depravity, "the powers that be are ordained of God; whosoever therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receive unto themselves damnation."* With whatever latitude this is to be understood, and there are cases generally supposed to justify resistance to the utmost extremity, it is certain that submission to the existing constitution of society is, in ordinary cases at least, a duty and a necessity also. How then can that be a compact into which we are forced by the irresistible influence of our circumstances, and how can submission be regarded as a voluntary acquiescence, when there is a door open to avoid submission, except such resistance, or such a flight as has been described? It is a palpable folly to pretend that an actual, voluntary compact exists, and they who derive the right to punish capitally from any supposed social compact, must first suppose an agreement which the facts in the case show was not and never could be freely entered into by the individual members of society; and then from that purely imaginary agreement proceed to draw an implication, also purely imaginary, and which it would be absurd and monstrous to derive from such premises, even if such a general compact as is supposed in arguments like these had been actually formed. To state this theory is sufficiently to refute it, yet it is that which has been most frequently relied on.

But let us carry this examination one step farther. Not only has no man actually given up to society the right to put an end to his life, not only is no surrender of this right under a social compact ever to be implied, but no man can, under a social contract, or any other contract, give up this right to society, or to any constituent part of society, for this conclusive reason, that the right is not his to be conveyed. Has a man a right to commit suicide? Every Christian must answer, no. A man holds his life as a tenant at will, — not indeed of society, who did not and cannot give it, or renew it, and have therefore no right to take it away, — but of that Almighty Being whose gift life is, who sustains and continues it, to whom it belongs, and who alone has the right to reclaim his gift whenever it shall seem good in his sight. A man may not surrender up his life until he is called for. May he then make a contract with his neighbor that, in such or such a case, his neighbor shall kill him? Such a contract, if executed, would involve the one party in the guilt of suicide, and the other in the guilt of murder. If a man may not say to his next neighbor, "when I have burned your house in the night time, or wrested your purse from you on the highway, or broken into

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Romans, xiii. 1.

your house in the night, with an iron crow, to take a morsel of meat for my starving child, do you seize me, shut me up a few weeks, and then bring me out and strangle me, and in like case, if your turn comes first, I will serve you in the same way," would such an agreement between ten neighbors be any more valid or justifiable? No. Nor if the number were a hundred instead of ten, who should form this infernal compact, nor if there should be six hundred thousand, or seven hundred thousand, or even fourteen millions, who should so agree, would this increase of the number of partners vary one hair's breadth the moral character of the transaction. If the execution of this contract be not still murder on the one side and suicide on the other, what precise number of persons must engage in it, in order that what was criminal before may become innocent, not to say virtuous, — and upon what hitherto unheard of principles of morality is an act of murder in an individual, or a small corporation, converted into an act of justice whenever another subscriber has joined the association for mutual sacrifice? It is a familiar fact in the history of mankind, that great corporations will do, and glory in, what the very individuals composing them would shrink from or blush at; but how does the division of the responsibility transform vice into virtue, or diminish the amount of any given crime? The command, "Thou shalt not kill," applies to individual men as members of an association, quite as peremptorily as in their private capacity; and although men in a numerous company may keep one another in countenance in a gross misdeed, and may so mystify and confuse their several relations to it, as that each one may sin ignorantly, and therefore in the sight of the Searcher of Hearts be absolved from intentional guilt, still that it does not alter the true nature of the act must be obvious, as also that it is equally our duty to abstain from a social as from a personal crime, when once its criminality is clearly understood.

It is not, however, from any social compact, either actual or implied, comprehending the whole body of the people, that the practice of putting to death particular members of the community, grew up. It was from a compact of the opposite character, the league of the oppressors against the oppressed. "If we look into history, we shall find," says Beccaria, "that laws which are, or ought to be, conventions between men in a state of freedom, have been, for the most part, the work of the passions of a few, — not dictated by a cool examiner of human nature, who had this only end in view, *the greatest happiness of the greatest number.*" This principle, adopted by Bentham, and made the foundation of his theoretical system of government and legislation, his Excellency considers to be practically in operation in our own institutions. "Our system looks to the people," says the address, "not merely as a whole, but as a society composed of individual men, whose happiness is the great design of the association. It consequently recognizes the greatest good of the greatest number, as the basis of the social compact."

The leading idea of the American policy is freedom. Other nations have forms of government intended and suited solely to secure the interests of the ruling classes. Here, for the first time in the history of the world, a written constitution was adopted, establishing a government for the security of the rights and liberties of the whole people. This is the first true social compact, if any such compact be in existence, and it should be construed in the spirit in which it was made. Other constitutions have been compacts of aristocracies parcelling out among themselves their prerogative to plunder and oppress; compacts to take all that could be wrested from the producer, and to guard against his resistance. Ours is a compact which protects whatever we have, or may acquire, and provides for mutual defence against any invasion of the rights of a citizen. And this is all that it aims to accomplish, all that any government can accomplish for the benefit of the people, and more than any other ever yet did effect, for in aiming at other, and unattainable ends, every government except, let us hope, our own, has failed partially of fulfilling what ought to be its legitimate purpose, and has visited its unhappy subjects with miserable evils, instead of the blessings which it promised.

There is no departure from the proper sphere of government which has been more fruitful in misery than the attempt to sit in judgment on the hearts and consciences of men, and to measure out punishments according to the supposed degrees of moral guilt, instead of punishing merely to protect. It is to this attempt, which assumes to visit upon secret and unascertainable motives that vengeance which is the prerogative of the omniscient judge, which assumes also that infallibility which is equally beyond the province of man, that we owe the fires of the inquisition, the massacres of St. Bartholomews, and all the persecutions for heresy in which the various sects mutually sacrificed each other in hecatombs, with such fatal readiness and zeal, that, for ages, christendom appeared "one vast scaffold, covered with executioners and victims, and surrounded by judges, guards, and spectators." It is to the same attempt, always vain and impotent for its intent, though so horrible in its consequences, that we owe all the sanguinary and inhuman penalties which have heretofore disgraced the criminal codes of our own and other nations, as well as those which remain to be abolished by the refined humanity of the present age. Society should at length cease to be vindictive. In fixing the punishment we should weigh, not the ill desert of the criminal, which can in no case be truly and exactly known, and which if known would vary almost infinitely in crimes of the same legal description, but the melancholy necessity of painful precautions against the moral maniac who endangers our safety.

But our prejudices upon this subject are only a portion of that great inheritance of error which have been handed down to us from the feudal system, and from systems, more arbitrary than feudality, which preceded it. These prejudices originated centuries back, when darkness covered the earth, and gross darkness the people ; and they ought to have vanished long ago, dissipated by the healing beams of Christianity and truth. They have lingered, however, beyond their time, till the full blaze of light has burst upon them, and is dispelling them, as the sun dissolves the last wreath of mist from the river.

When the favored few governed for their own exclusive advantage the subject many, whom they held to be created out of a different clay, they naturally made their own opinions, comfort, and interest, the sole standard of right and wrong. Possessing such unbounded power, they would have been virtuous beyond human virtue, if they had not signally abused it. Accordingly we find that they sported in perfect wantonness with both the liberties and lives of the people. No wonder that vulgar life was cheap, when the noble could impose laws upon vassals and villains, when he could be tried only by his peers, and when there was little sympathy between the ruling and the suffering classes. The game laws are only one of the consequences to be expected from such a state of things. There was a time, we are told, when by the law of England the killing of a man was permitted to be expiated by the payment of a fine, while the killing of a wild boar, by one not qualified to hunt, was punishable with death. It happened then, so the anecdote has come down to us, that a man charged with killing a wild boar, and put on trial for his life, plead in his defence that he did it by mistake, for that he really thought the beast was only a man. It was from times when the conquerors, who held in military subjection the people they had overrun, thus sacrificed life to their own pleasures or caprices, that its cheap estimate came down to a later stage of society, when the moneyed aristocracy wasted it as lavishly and unscrupulously for the protection of property from even slight aggressions, as ever the iron-clad barons that preceded them, had for the protection of their privileges. The humanity of our day has made these laws for the most part, in most countries, inoperative, where they have not been repealed ; but it is difficult to divest us so far of the impressions they have left behind them, as to see the punishment of death in its true light, a mere remnant of feudal barbarity. We are apt to think, so great is the reform already made in this respect, that we have gone far enough ; and our conservatives cling to the surviving instances of this abuse, with as ardent attachment, as the crown lawyers, in more countries than one, did to the practice of torture, when philanthropy and philosophy waged a successful warfare against that characteristic vestige of the wisdom of antiquity. This claim of right, however, to put to death, implies the aristocratic contempt for mere naked humanity, which once was universally prevalent through the law-making classes. When the feeling is entirely extinct, we may hope that the claim itself will be abandoned. It has no place in a social compact founded in principles of equality.

There remains one ground on which this right is sometimes rested, — the right of self-defence. But this cannot give the right to put to death, lest he might possibly repeat the crime, one who has once committed a murder, and in no other case than murder does the argument apply. You cannot defend the victim of the crime, for he is gone already. To put to death the criminal because you have strong reason to suspect he might be guilty of the same offence again under similar circumstances, would be to punish, not a crime, nor even the intention to commit it, but a suspected liability to fall under future temptation, which may or may not assail him, and which he may be effectually precluded from, if society so wills. No man has agreed that for the purpose of self-defence, society may seize him and put him to death, to prevent others from following his example, or to prevent him from repeating it; neither is this ground of self-defence sincerely believed to be sound by the community, or any considerable portion of it, for if it were, we should execute the monomaniac who evinces a disposition to kill, yet the proposition to do so would be rejected with unanimous indignation, even after he had committed more than one murder. But it is more necessary to defend ourselves against such a man, inaccessible to the ordinary motives of hope and fear, the avenues of whose heart are closed against the approaches of repentance, than against any other murderer. Yet we do not hang the maniac. Some other feeling then must actuate us, other than the desire of self-defence, when we consign the murderer to the gallows.

Indeed, how can it be pretended that death is a necessary measure of self-defence, when we have prisons from which escape is barely possible, and when tenfold more of the most dangerous criminals now go wholly unpunished, from the repugnance of witnesses, jurors, judges, executive magistrates, and the public, at capital punishments, than could ever make their way from prisons, such, and so guarded, as the practical science of the present day can construct for their safe keeping. However, it might be in a state of imperfect civilization, among us, the right of self-defence furnishes no foundation whatever, much less any solid basis, upon which to establish the right to take away life.

Let it not be said, that these are mere theoretical speculations of no practical importance, for, that whether the right be or be not clearly made out by abstract reasoning, we might safely trust our lives to the wisdom and the mercy of society. That our fellows would feel the responsibility under which they must act, and would take away the life which was placed at their disposal only under the pressure of the most urgent necessity; that, therefore, it may be fairly presumed, without much evidence, that in entering into the social compact we gave the power of life and death to the body politic. All history contradicts this too flattering view of human nature. Power is to ambition what wealth is to avarice. Instead of satisfying the desire, it creates an insatiable craving for more. The disposition of power to arrogate to itself more power, has been exemplified in the career of every government since the world begun. This naturally becomes the guiding and the governing principle of those in whose hands power is lodged. Opposition to this tendency in our own institutions is the criterion and the substance of democracy. Governments, however wisely framed and balanced, will strengthen themselves till they are too strong for liberty, unless they have much virtue within, and firm and constant checks from without. Without these restraints power pursues the law of its nature. In its course it swells and grows like a snowball, till it accumulates to the magnitude and moves with the ponderous momentum of an avalanche.

The fundamental article in the American political creed is, that governments ought to be strictly confined within their proper sphere. The propensity to exercise power, results from the passions which impel the holder to increase it. Temptation to abuse it will arise, too strong for human frailty, where it is suffered to be accumulated beyond the absolute necessity for intrusting it. There is no power more flattering to ambition, because there is none of a higher nature, than that of disposing at will of the lives of our fellow-creatures. Accordingly, no power has been more frequently or more extensively assumed, exercised, and abused. When we review the past, history seems to be written in letters of blood. Until within a very short period, the trade of government has been butchery in masses, varied by butchery in detail. The whole record is a catalogue of crimes, committed for the most part under legal forms, and the pretence of public good. In church and state it is the same; this power was not given to rust unused. A philosopher has sketched in a few words a picture, which is sufficient without further illustration: "the avarice and ambition of a few staining with blood the thrones and palaces of kings; secret treasons, and public massacres; every noble a tyrant over the people; and the ministers of the gospel of Christ bathing their hands in blood, in the name of the God of all mercy." That such scenes are no longer to be witnessed must be attributed to changes similar in principle and tendency to the total abolition of capital punishment. It is because the powers of governments and of the few have been greatly abridged and restricted, and particularly the very power in question. It is because the rights of the many, and of individuals have been better ascertained and secured, and especially the right of life. It is because the standard of morality has been raised, and the occurrence of the greatest crimes prevented, by restoring, in some good degree, the sanctity of human life, not so much in the letter of the law as in public opinion, which decides the spirit of the law. Let us complete this blessed reformation by pushing onward in the same direction which experience has already sanctioned; but let us not vainly imagine that the smallest portion of a power, unnecessary, not clearly to be justified, terrible in its most discreet and sparing use, but capable of shrouding the whole land in mourning by a single abuse, may be safely trusted to any fallible government, when by looking back but a century or two we may see all christendom groaning under its abuse, the soil red with carnage, and a never ending cry of innocent blood going up to heaven from thousands and tens of thousands of the wisest and the best, expiating under the hand of the executioner those virtues which tyrants hate and fear.

Not only are the general nature and purpose of government such as have been described, but it is argued that they are expressly recognized in our constitutions, all of which create governments intended to operate only within limited spheres, for specified objects, and with specified and rigorously restricted powers. The tendency of power to enlarge itself indefinitely was well understood by their founders and in many respects wisely guarded against, — though not so fully as to supersede the necessity of additional safeguards and faithful vigilance. By the Constitution of the United States the people intrust to the federal authority certain granted powers, expressly reserving all others, because they would not relinquish unnecessarily the minutest portion of their freedom. In our own ancient Commonwealth "we are secured in the amplest enjoyment of the blessings of government, with the smallest admixture of its inseparable evils. The government of the State is a pure democracy," as his Excellency has justly remarked. "Having rejected and cast down the pillars of arbitrary government, we have laid the corner-stone of the social edifice on the intelligence of the people." Every citizen is "*left with the least practicable interference from the law.*" These philosophical views which his Excellency entertains of the spirit of our institutions are abundantly sustained by the language of that fundamental law on which they rest. The Constitution of Massachusetts begins with promulgating in its first sentence the general theory of government which has been laid down. "The end of the institution, maintenance, and administration of government," says that celebrated instrument, "is to secure the existence of the body politic; to protect it, and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquillity, *their natural rights, and the blessings of life*." It is no part of its end, then, to surrender, or to take away any natural right of an individual, much less the last and dearest, or to debar him not only from the blessings of existence, but from life itself. And why "protect the body politic?" Simply as means to the great end; to protect the natural rights of the individuals who compose it, for without this the body politic would be a curse instead of a blessing. To derive one lesson more from the same storehouse of political wisdom and truth,—the reason there assigned why laws should be equitably made, impartially interpreted and faithfully executed, is, "that every man may, at all times, find his security in them." Not that any man may, at any time, be liable to be sacrificed for the supposed benefit of other men, nor that a majority should exercise vengeance upon any man because he has been a sinner. The first article of the declaration of rights reckons the right of enjoying and defending their lives and liberties, and that of seeking and obtaining their own safety and happiness, among those natural, essential, and unalienable rights which are common to all mankind. It is impossible then that it should have constituted any part of our compact to alienate the unalienable right of enjoying and defending life. This right may be abridged, by the iron rule of stern necessity, when it comes in direct conflict with the same right in another, but, according to our Constitution, it can never be alienated. Let it not be said our Constitution does not forbid capital punishment; for neither does it, by that name, forbid slavery, or the whipping-post, or the pillory, or mutilation, or torture, yet all these are confessedly contrary to the spirit of the Constitution. The grand, the comprehensive principle is there. The sages who proclaimed it, before the world was ripe to realize it in all its bearings, left it, unavoidably left it, to the wisdom and humanity of their posterity to receive its full application in all its important consequences. The sublime truth, that all men are by their birthright free and equal, had been asserted for some years by Massachusetts, before the non-existence of slavery within the Commonwealth was adjudged to follow as a necessary corollary from that dogma. The whipping-post and the pillory survived, for a period, the constitutional prohibition of cruel and unusual punishments. They have disappeared, and the gallows, which is more unusual than either of those barbarities had been, and infinitely more cruel and revolting, must soon follow in their train. After the reformation shall have been accomplished, mankind will look back with astonishment at its tardy progress. They will be unable to comprehend how or why it was delayed so long.

It is in these particulars, features indeed more striking than any other, that our constitutions are peculiarly American and purely democratic. The great dividing line between the friends of arbitrary power and the friends of constitutional freedom, generally has been, and for the most part will be, between those who wish by wholesome limitations originally imposed, and by a strict construction of them, to confine governments to the few objects which have been specified, and to leave the people otherwise individually free to govern themselves, and those who by a lavish grant of power originally, and a broad latitude of interpretation, and a free use of implication, would enable the government to control and regulate every action, would make it an engine for the aggrandizement of the few at the expense of the many, like most of the governments of the old world. Our constitutions intend governments, for freemen, empowered only to extend over individual rights the broad ægis of the public protection, when individual strength is insufficient to be relied upon. Their doctrine is to interfere only when interference is necessary, and only so far as it is necessary: whence it follows that punishment is to be justified by necessity, that it is to be cautionary not retributive, and that its only rightful measure is the necessity by which it is called for. Government should be our presiding genius, ever near us and around us to avert all evil from us; mildly, but firmly, arresting the hand that would do us harm, but in all else, so far as may be, unseen and unfelt, leaving us with our unrestricted energies to work out, in our own way, our own highest happiness.

The justice of these views is in some degree corroborated by observing that such is the constitution of the divine government. Having the power to dictate and control without an effort the totality of human life down to the minutest thought as well as motion, looking with an all-seeing scrutiny through both the motives and the consequences of every act, judging with an all-wise discretion, and knowing with a perfect knowledge what is right and best for us under all possible circumstances, it still leaves free the human mind to choose, the human will to act, for good or evil, under its ultimate responsibility, having first proclaimed a commensurate retribution, and a retribution only commensurate, for each infraction of the moral law.

And what is the moral law? A few grand and governing principles of right and wrong, — simple, and so easily recognized that it is hard to tell whether they be not instructive; broad and universal in their application. The moral law enacts that you should do to others as you would that others should do to you. It forbids only that which would injure another. If you disobey you will suffer the consequences of your misconduct, which, in the wise ordination of Providence, naturally flow from it: but the punishment is never disproportionally greater than the offence; on the contrary, so far as it falls under human observation, it is always less than the desert of the offender, and its object appears to be not to crush but to reform him. How opposite is the spirit of this law to those interminable interferences with private right, those odious shackles upon individual freedom, without an object and without a pretext, and those revengeful and unnecessary punishments, the offspring of unhallowed passions, which make up so voluminous a portion of the statutes of most civilized nations. Yet human governments, though weak and fallible, acting upon imperfect knowledge, and often from partial or unworthy views, while they admit that vengeance belongs to God alone, would regulate the distribution of wealth, dispense favors to some, impose restrictions on others, prescribe the conditions and the manner of every action; and when by the artificial state of society which they have produced, and the unnatural constraint to which they have endeavored to subdue its members, they have multiplied crimes which but for them would not have existed, and confounded all the distinctions of a rational and just morality, they then punish what is not morally wrong because they have forbidden it, and accumulate punishment upon punishment, with unavailing and gratuitous cruelty, whenever moral guilt affords a plea for retributive infliction of misery upon those already steeped in wretchedness.

Beccaria sums up the result of his inquiries upon the subject of crimes and punishments in this theorem: "That a punishment may not be an act of violence against a private member of society, it should be public, immediate, and *necessary; the least possible in the case given;* proportioned to the crime, and determined by the laws." Under such a rule society might keep within the boundary of its undisputed rights, and refrain altogether from inflicting the punishment of death.

These remarks upon the abstract question of right in this case, are submitted by your committee as the fairest statement they have been able to draw up of the argument against the right denied. They repeat, that they submit it without any expression of opinion how far the reasoning may be sound or otherwise. They thought it due to the number and excellent character of the citizens who profess these sentiments, to communicate them to the legislature, and through them to the public.

If correct, they will have their proper influence; if erroneous, they will have an ordeal to pass through which will expose and refute them. Your committee have gone the more at large into the argument, because they know of no work in common circulation, from which one may collect even a tolerable idea of it, while at the same time, and from very imperfect statements, or rather hints, it is everywhere the topic of eager discussion. Having drawn an outline, without pretending to exhaust the subject, they leave it with the house, and pass to the consideration of the expediency of capital punishments, supposing society to possess the abstract right.

Upon this branch of the inquiry, your committee have no hesitation in expressing the most decided conviction, that whatever may have been the case in a state of imperfect civilization, or whatever may be the duty of another government with regard to certain other crimes not falling within the jurisdiction of this Commonwealth, questions not necessary to be discussed here, it is inexpedient, in this State, at this time, to provide by law for the punishment of death. In their opinion, this punishment is in no case necessary for the preservation of property, or of honor, or of life, or of good government. And if it be not necessary, certain they are, that no member of this house would wish that it should be wantonly or gratuitously inflicted.

There are three crimes against property punishable with death by the laws of this State, — arson, burglary, and highway robbery. The reason for so distinguishing these three crimes is usually alleged to be, that they, in a peculiar manner, endanger life. This is the most preposterous reason that can be given for affixing to them a punishment which renders them much more dangerous to life than they would be under any other modification of the law. It would almost seem as if the law had been first framed in solemn mockery, professing to guard life with jealous tenderness, yet in fact intending not to save life, but to kill. In case there be any witness of either of these crimes, the law prompts the criminal not to stop short at an aggression upon property, but tempts him to go on to the commission of murder; and it tempts him to do this as he values his own life. It says to him in plain and intelligible language, you are now face to face with your mortal enemy. One of you must die. It is for you to choose whether the doom shall fall upon your own head, or upon that of your adversary. Kill him, or he will kill you. If you, already plunged so deep in crime, through tenderness of conscience, choose to make yourself a martyr by the most cruel and ignominious death, and without the sympathy and admiration of his fellows, which supports the martyr, — if you choose to throw away your own life, for the sake of the life of this man who stands before you, obey the call of duty, and in return, I, the law, will lay my hand upon you, and drag you to a certain execution; but if you prefer security both of your person and character, to the impending destruction and disgrace, go on boldly, imbrue your hand in the blood of your fellow, and you will escape my grasp: your crime will be shrouded in darkness impenetrable to human eyes: this is the voice of the law. Should the law hold this language to any man? More especially, should the law hold this language to a man who has already shown his extreme frailty by yielding to a previous temptation, not so strong as the love of life, with which the law tempts him? We are all, as weak and erring creatures, taught to pray that we may not be led into temptation; is it right, is it expedient, by our solemn enactments, to lead into the most terrible temptation that can beset him, to deliver over to the power of evil the man who has already entered the path of vice, but who would never fall into the deepest abyss of guilt, if the strong arm of the law did not thrust him over the precipice? There is matter for profitable reflection in these queries, and your committee recommend them to the most serious attention of every member of this house.

There is nothing in the nature or history of either of these crimes to make it expedient that it should be punished with death.

The crime of arson is the malicious and wilful burning of a dwelling-house. The punishment of arson was death by the ancient Saxon laws, and in the reign of Edward I., this sentence was so executed as to be a kind of retaliation, for incendiaries were burnt to death. In the reign of Henry VI., it was made, under some circumstances, to amount to high treason. It was afterwards made felony, with the benefit of clergy. In the reign of Henry VIII., it was made capital again, and so continues till this time in England. It was made capital in Massachusetts by the colony law of 1652, and continued so by reënactments, in 1705, 1785, and 1805, though the description of the offence was from time to time somewhat varied. In 1652, it was a capital offence for any one over sixteen years of age, feloniously to set on fire any dwelling-house, store-house, or meeting-house. In 1705, it was enacted "that if any person of the age of sixteen years and upwards, shall willingly and maliciously, by day or night, burn the dwelling-house of another, or other house parcel thereof; or any house built for public use; any barn having corn, grain, or hay therein; any mill, malthouse, storehouse, shop, or ship; the person so offending, as aforesaid, shall be deemed and adjudged to be a felon; and shall suffer the pains of death accordingly." The severity of this law was somewhat mitigated in 1785, by confining the capital offence to the burning of the dwelling-house of another, and that between the setting and rising of the sun. The law of 1805 confines the capital offence to the night time, which is understood to be between the shutting in of the twilight at night, and its earliest appearance in the morning. By the law of 1830, a further mitigation is found, in the provision, that if it shall be proved that there was no person lawfully in the dwelling-house so burnt, the punishment, instead of death, shall be imprisonment in the state prison for life. A similar provision is contained in the Revised Statutes. Thus have we gone on ever since 1705, narrowing down the crime of arson to smaller and smaller limits. The reasons which justified the steps that have been taken, call loudly for yet another. This crime must cease to be capital in any case. Unless the signs of the times mislead us, the people of Massachusetts are already ripe for the change.

To justify the severity of the punishment of this offence, it is described, both here and in England, as being one of the most malignant dye, not only as against the right of habitation, which is acquired by the law of nature, it is said, as well as by the laws of society, but because of the terror and confusion which necessarily attend it. The gradual lessening of the extent of this crime, and the mitigation of the penalty, in most cases which formerly fell within the definition, indicate doubts in the minds of the community of the correctness of that reasoning, which places it upon a level with wilful murder. Your committee would propose a broad distinction, as will be seen, between crimes of so different a nature as these, which are now confounded under the same punishment. As the law now stands, not only he who wilfully and maliciously sets fire to the dwelling-house of another, so that it should be burnt in the night time, there being any person lawfully therein, but also he who wilfully and maliciously sets fire to the most insignificant building, intending only to burn such building, if contrary to his expectation and intention, a dwelling-house is in consequence burnt, as before expressed, is equally liable to the same punishment with the wilful murderer. So also are all those who counsel, hire, or procure the offence to be done, or are otherwise accessary thereto before the fact.

Is this law in accordance with public opinion, and would the public approve its execution to the letter, as cases may arise? His Excellency remarks, that "the law must be respected as well as obeyed, or it will not long be obeyed. * * * A state of things which deprives the executive of the support of public sentiment, in the conscientious discharge of his most painful duty, is much to be deplored." How far is this law respected, obeyed, and, with the support of public sentiment, enforced by the executive? There has, probably, hardly been a month for many years, when the crime of arson has not been committed in this Commonwealth. There is reason to believe that it is often committed many times in a night, for several nights in the same week and for weeks together, within the limits of one city or town. There has been but one execution for the crime of arson in Massachusetts within a period of more than thirty years. Stephen M. Clarke, a lad but little over seventeen years of age, was, for setting fire to a building in Newburyport, put to death in Salem on the 10th of May, 1821. Such was his horror of death, that it was found necessary, amidst his cries and lamentations, actually to force him from his cell, and drag him to the place of execution. It is much to be doubted whether any person of ordinary sensibility and reflection could have viewed, amidst the parade of soldiers and the sound of martial music, the officers of justice, overcoming with difficulty their natural repugnance to such a task, and dragging with violence a fellow being, a youth, a mere miserable and deluded boy, to the gallows, there to put him to death in obedience to the laws, without in his heart execrating those laws which required the exhibition of such a horrid spectacle. As much as the crime of the sufferer is abhorred, the law that condemns him to death is at least equally detested by the majority of the spectators. Are those who look on with abhorrence to be charged with advocating and palliating crime? It is among them that the fewest crimes occur. That numerous sect of Christians, the Friends, sometimes called quakers, reprobate with one voice this kind of punishment; but do they advocate or tolerate crime? On the contrary, high crimes, like that under discussion, are almost unknown among them. Their voice has, from the time their sect originated, been uniformly and consistently lifted up against all capital punishments; not because they are unwilling that the guilty should be adequately punished, but because they believe it to be an act of wickedness and a violation of the principles of the religion which they profess, to take away the life of one of their fellow-creatures. Are not the members of this sect as free from vice and crime, and as moral, pious, and exemplary, as any other sect of Christians of equal numbers? It cannot be denied; and this fact shows beyond question or cavil, that the scruples they entertain upon this subject are not the off-spring of a lax morality, as is sometimes uncourteously insinuated; nor do they tend to produce a lax morality, as is more frequently and boldly asserted. The observation of the world has shown, and our own so far as it goes has invariably confirmed it, that the effect of a capital punishment has no tendency to diminish the crime punished. The execution for arson, of which we have spoken, was almost immediately followed by a considerable number of attempts to commit the same crime, in the same town where Clarke had committed it. The expectation of such a punishment, about to be inflicted if the law takes its course, seems to have had no influence for several weeks past in the city of Boston, unless it has made incendiaries more active, for since the conviction of two criminals now under sentence, the number of attempts to kindle fires in the night time has been uncommonly large, including the immediate neighborhood of the prison in which the convicts are confined. A conviction and sentence of death in the case of John Wade, for the crime of arson, has lately occurred at Dedham, and it is a subject of general congratulation that the community were saved from the evils attendant upon a public execution, by the commutation of his punishment, by his honor, lately lieutenant-governor, and the council, to imprisonment for life.

The severity of this law totally defeats its object. Often is there strong evidence in the neighborhood where a conflagration has occurred, showing that it was designedly kindled, and tending to fix the charge upon the incendiary. Yet no complaint is made, no investigation takes place, because the hanging, if it should end in that, would be a greater evil than the fire. When a trial is had, which but seldom occurs, all possible latitude is given to the circumstances which will take the case out of the present narrow limits of arson. From these and some other causes, the law is practically obsolete, for of the many thousand instances of arson committed in the last thirty years within this State, only one has been punished according to law. Is it not a most heinous injustice, thus to measure out to one victim that retribution which is spared to all others in like kind offending? The law might as well be *ex post facto* as to be unknown; and it might as well be unknown to him who suffers under it, as to be known to him as having been a dead letter. In that case may he not justly ask, Why should that vengeance which has slumbered for so many years, over so many multiplied transgressions, awake at last to wreak itself on me alone? Instead of being warned beforehand that death would be my punishment, was I not assured by the almost uniform result of similar cases, that I should not be put to death? To this course there has been but one exception for a whole generation. That the laws should be just, they should not only be equal in their provisions, but equally executed, impartially executed. But could every author of an incendiary attempt be arrested and convicted, public sentiment would not justify their lawful punishment. The law is not enforced because it is not in accordance with the spirit of the age, the temper of the community, the judgment of our best and wisest men. It ought not to be enforced. Therefore it ought to be repealed.

The remarks upon the crime of arson will, in a great measure, apply to that of burglary. The common law definition of a burglar is, one that breaks and enters, by night, into a dwelling-house with intent to commit a felony. Burglary was first made capital in England, as to the principal only, in the reign of Edward VI., and as to abettors and accessories before the fact, in the fourth year of William and Mary. It was not a capital offence by the colony law of 1642, until after two convictions, but if the culprit should commit the like offence the third time, he was then to be put to death as incorrigible. This law was reënacted in 1692, under the Province charter. In 1715 it was made capital upon the first conviction, and continued so, on a revision of the law, in 1770, and in 1785. In 1806, the law was altered so as to make burglary a capital crime only in case the offender shall be, at the time of his breaking and entering, armed with a dangerous weapon, or shall commit an actual assault upon any person lawfully within the house. This provision is also recognized in the Revised Statutes. Under this modification of the law, that is to say, for the last thirty years, there has been no one executed for the crime of burglary. Yet not a year has passed in which this crime has not often been committed. Every man has heard of numerous instances in his own neighborhood, and in many of them abundant proof might easily have been collected, if public opinion had demanded a sacrifice to the violated law. But the execution of the law in any one of these instances would have been an outrage upon the better feelings of the community, which are much in advance of our sanguinary legislation. The practice under this barbarous law is brought to conform with the spirit of the age by a sort of casuistry which ought by no means to be encouraged, much less rendered necessary to avert a public calamity. The aggravating circumstances, making the crime capital, will, if possible, be concealed by the complainant and witnesses, or will be overlooked by the jury. Although, through the natural evasions so easily resorted to, there may never be any capital conviction under the law, yet it ought not to be permitted to remain upon the statute book unrepealed, when it is well understood to be the occasion of prosecutors, witnesses, and jurors, and sometimes it is supposed even judges, forbearing to notice circumstances which if fully considered would certainly lead to a capital conviction; and not unfrequently causes the entire acquittal, as is believed to have happened in some recent cases, of those who are really guilty, and conclusively proved so, if all the proof known to exist out of the court should be fairly heard upon the trial. Witnesses, though sworn to tell the whole truth, are strongly tempted to suppress material circumstances, and give the most favorable coloring that they can by any ingenuity justify to their consciences, to the testimony which they give. Others, knowing important facts, conceal them, that they may not be called as witnesses. Prosecuting officers, embarrassed between their own sense of right and wrong, and the dictates of the law, omit, if possible, those particulars in the description of the offence which make it capital. The jury, sworn to find a verdict according to the law and to the evidence, are prompted, by their horror at the result to which the law and the evidence would lead them, to pervert the true meaning of the law, and to put the most forced interpretations upon the testimony, or draw from it inferences improbable in the highest degree, and even impossible. Sometimes they are driven to revolt against the law, shut their ears against evidence, and perform the part which humanity seems to them to dictate, rather than what the law imperatively requires of them. The jury, believing in their hearts that the offence was committed in the night time, that the offender was armed with a dangerous weapon, that there was a person lawfully within the house, may refuse to find one or the other of these facts, and so save the culprit from the operation of a law which they cannot approve. In England, cases like the following often occur in trials for crimes not capital among us, but which serve to illustrate the effect of the motives alluded to upon the minds of jurors. A woman was indicted for stealing in a dwelling-house two guineas, two half guineas, and forty-four shillings in other money: she confessed the stealing of the money, and the jury found her guilty; but as the stealing of such a sum would be punishable with death, they found the value of the money to be thirty-nine shillings only, which saved her from the sentence of death. Another female was indicted for stealing lace, for which she had refused to take eight guineas, offering it for sale for twelve. The jury who convicted her of the theft, found the lace to be worth thirty-nine shillings. Two persons indicted for stealing the same goods privately in a shop, five shillings stolen in this manner making the offence capital, one of the prisoners was found guilty of thus stealing to the value of five shillings, and the other to the value of four shillings and ten pence. A volume might be compiled of examples similar in principle to these. Their demoralizing tendency cannot be kept out of sight. If a conviction should be had and sentence passed for the crime of burglary in this State, is it not to be apprehended that the executive must sign a warrant for an execution which would shock an enlightened public sentiment, by making a mere violation of the right of property the price of human life, or that by an exercise of the pardoning power, he must satisfy those disposed towards crime, that the law holds out a threat which there is reason to know will never be fulfilled. Indeed, may not this inference already be fairly drawn from the fact that there never has been an execution for this offence under the existing law.

By the laws of Massachusetts, principals in the second degree and accessories before the fact, which descriptions may embrace persons of various degrees of guilt, are put upon the same footing as principals in the first degree. A person who has armed himself with a sword or a loaded pistol, for a justifiable purpose, and who being thus armed, shall in the night time lift the window of an inhabited house, far enough to insert his hand, and steal therefrom the most insignificant article of property, has committed a crime by which his life is forfeited, and so have those who have stood by abetting the act, or who counselled it to be done. Your committee are not ignorant of the high wrought description of this crime usually given to justify its horrible punishment. It is said to be very heinous, partly on account of the terror which it occasions, and partly because it is a forcible invasion and disturbance of the natural right of habitation. Admitting all this in its fullest extent, wherein do we find a sufficient reason for taking away the life of the offender? How much dearer rights, in refined society, are invaded, for the invasion of which the laws inflict no penalty whatever, but leave the injured party to the miserable remedy of an action for damages, to be estimated in dollars and cents. Are there no terrors far surpassing those occasioned by the burglar which the laws suffer to go unpunished? Shall the image of God be marred and destroyed by the hand of man, because he who is doomed to destruction has put his fellow man in fear, by disturbing his right of habitation, and laying his hand upon perhaps the most worthless of his goods? The committee make these suggestions not to extenuate crime, but to awaken attention to the true character of our criminal laws, that under the false notion of just and necessary punishment, we may not involve ourselves in the guilt of punishments unjust, unnecessary, and disproportioned to the offence. Let the public attention be directed to this subject, and there will be an earnest inquiry, what is just and right; this alone will insure that change in our laws which is called for by the existing state of civilization among us. Knowledge, reason, and reflection have made all the difference which exists between the savage of the forest and the refined and enlightened inhabitant of Massachusetts. They seem hardly to have been applied at all to the due apportionment of punishments, in which particular reform creeps tardily behind the general progress of society. The power of improvement cannot yet be exhausted; and it well becomes a community that has secured to itself liberty of thought and of action, to inquire into the state of its advancement, and to adapt its legislation to this State by such alterations and amendments of the laws as the spirit of the age requires.

It has been said, but it is the language of unreflecting levity, that the criminal convicted of a capital offence, under our laws, is generally depraved and worthless, and that, therefore, the sacrifice of a few such lives is of very little consequence to society, and it is not an object fit to engage the attention of the government of a great State, even if these laws might be repealed without injury. It is impossible that any member of this legislature can entertain so inhuman a sentiment. Felons, however fallen, still are men, and have the better title to commiseration the more deeply they are sunk in guilt. If these wretches were princes, says Goldsmith, there would be thousands ready to offer their ministry; but the heart that is buried in a dungeon is as precious as that seated on a throne. Suppose that one only may be caught up from the gulf of vice, misery, and perdition, and restored to repentance, virtue, and usefulness, this would be gain enough to reward all the exertions that may be made to effect the reform, for there is upon earth no gem so precious as the human soul.

In this view of it, no one will allege, that too much importance is attached by your committee to the subject referred to them. Every one will agree with Beccaria, that the question, whether the punishment of death is really necessary for the safety or good order of society, is a problem which should be solved with that geometrical precision, which the mist of sophistry, the seduction of eloquence, and the timidity of doubt are unable to resist. Every one can understand the feelings of that extraordinary man, when, submitting to his contemporaries and to posterity views so much in advance of the age in which he lived, he consoles himself for the coolness with which they are at first received with the reflection, "if by supporting the rights of mankind, and of invincible truth, I shall contribute to save from the agonies of death one unfortunate victim of tyranny, or of ignorance equally fatal; his blessing, and his tears of transport, will be a sufficient consolation to me for the contempt of all mankind."

In this train of general remark, and before passing to the particular consideration of the remaining capital crime against property, your committee may be pardoned if they introduce the substance of the observations of Dr. Goldsmith against punishing capitally aggressions upon property. They are full of wisdom learned in the school of nature, and expressed with the beautiful ease which characterizes all his writings. It were highly to be wished, says the doctor, that legislative power would direct the law rather to reformation than severity; that it would seem convinced that the work of eradicating crimes is not by making punishments familiar. Then, instead of our present prisons, which find or make men guilty, which inclose wretches for the commission of one crime, and return them, if returned alive, fitted for the perpetration of thousands, — we should see, as in other parts of Europe, (had he lived at the present day, he would have referred rather to America,) places of penitence and solitude, where the accused might be attended by such as could give them repentance if guilty, or new motives to virtue if innocent. And this, but not the increasing of punishments, is the way to mend a State : nor can I avoid even questioning the validity of that right which social combinations have assumed of punishing capitally offences of a slight nature. Natural law gives me no right to take away the life of him who steals my property : as by that law the horse he steals is as much his property as mine. If then I have any right, it must be from a compact made between us, that he who deprives the other of his horse shall die. But this is a false compact ; because no man has a right to barter his life any more than to take it away, as it is not his own. And beside, the compact is inadequate, and would be set aside even in a court of modern equity, as here is a great penalty for a very trifling convenience, since it is far better that two men should live, than that one man should ride. But a compact that is false between two men, is equally so between a hundred and a hundred thousand ; for as ten millions of circles can never make a square, so the united voice of myriads cannot lend the smallest foundation to falsehood. It is thus that reason speaks, and untutored nature says the same thing. Savages that are directed by natural law alone, are very tender of the lives of each other ; they seldom shed blood but to retaliate former cruelty.

Our Saxon ancestors, he continues, fierce as they were in war, had but few executions in times of peace ; and in all commencing governments, that have the print of nature still strong upon them, scarce any crime is capital. It is among the citizens of a refined community that penal laws, which are in the hands of the rich, are laid upon the poor. Government, while it grows older, seems to acquire the moroseness of age ; and as if our property were become dearer in proportion as it increased, as if the more enormous our wealth, the more extensive our fears, all our possessions are paled up with new edicts every day, and hung round with gibbets to scare every invader.

I cannot tell whether it is from the number of our penal laws, or the licentiousness of our people, that this country should show more convicts in a year, than half the dominions of Europe united. Perhaps it is owing to both : for they mutually produce each other. When by indiscriminate penal laws a nation beholds the same punishment affixed to dissimilar degrees of guilt, from perceiving no distinction in the penalty, the people are led to lose all sense of distinction in the crime, and this distinction is the bulwark of all morality : thus the multitude of laws produce new vices, and new vices call for fresh restraints. Instead of contriving new laws to punish vice, instead of drawing hard the cords of society till a convulsion comes to burst them, instead of cutting away wretches as useless, before we have tried their utility, instead of converting correction into vengeance, it were to be wished that we tried the restrictive arts of government, and made the law the protector, not the tyrant of the people. We should then find that creatures whose souls are held as dross, only wanted the hand of the refiner; we should then find that wretches now shut up for long tortures, lest luxury should feel a momentary pang, might, if properly treated, serve to sinew the State in times of danger; that as their faces are like ours, their hearts are so too: that few minds are so base that perseverance cannot amend them; that a man may see his last crime, without dying for it; and that very little blood will serve to cement our security. This last remark your committee would amend, for they believe that mutual benefits, and not mutual bloodshed, form the best cement of our security.

There is one other capital crime against property to be considered. In England, highway robbery was enacted to be a capital offence only when committed in or near the king's highway, in the twenty-third year of the reign of Henry VIII. In the fourth year of William and Mary it was made capital in all other places also. Robbery was first made capital in Massachusetts by the colony law of 1642, but not upon a first or second conviction. If after having been twice tried, convicted, and punished, he should be tried and convicted a third time, he was then deemed incorrigible, and was sentenced to death. Before 1642, this crime would have been punished according to the law of Moses, and although the Jewish code has numerous capital offences, yet robbery is not among them. In 1711, by the province law, it was made capital on the second offence; and, at last, in 1761, on the first conviction. In 1785, upon the revision of the last mentioned statute, the capital punishment was continued; but in 1805, another revision of the criminal laws taking place, it was provided that robbery should be punished by solitary confinement not exceeding two years, and confinement afterwards to hard labor for life. In 1819, it was enacted "that if any person shall commit an assault upon another, and shall rob, steal, and take from his person * * * * such robber being at the time of committing such assault, armed with a dangerous weapon, with intent, if resisted, to kill or maim the person so assaulted and robbed, or if any such robber being armed as aforesaid shall actually strike or wound the person so assaulted and robbed," he shall, together with such as aid or abet him, or are accessories before the fact, suffer the punishment of death. This statute still continues in force. Within about three years after its enactment, three persons suffered the penalty. The first of these was Michael Martin, who was executed at Cambridge, December 20, 1821, — the history of whose life and adventures, compiled and published in a sizable volume, did more injury to the morals of the community than will be countervailed by all the executions that will ever occur under the provisions of this last statute of death. In about three months after Martin, Samuel

Clisby, and Gilbert Close were executed for robbery. Thus, this statute very soon obtained, if it did not create victims. Some years afterwards, Theron Cheney, a boy of twelve or fourteen years of age, attacked another boy about the same age, and robbed him, being armed with a dangerous weapon. He was convicted and sentenced to death, but in consideration of his age, and other circumstances, his sentence was commuted to imprisonment for life. In the state prison he became a good boy, and was pardoned, and restored to society, to virtue, and to usefulness. He acquired a good reputation in the neighborhood where he lived, and died a Christian death among his friends in March, 1835. While the severity of the law, when executed to its utmost extent, was almost immediately followed by repeated violations of its provisions, no man can show any other than the best of consequences from this interference of executive clemency: neither have your committee been able to discover any evidence that this crime was more frequent during the fourteen years between 1805 and 1819, while it was not capital, than it has been for the sixteen years since it was made capital. There is reason to believe that it has been quite as frequent during the latter period as the former, notwithstanding the general prosperity of the country, and the great increase of benevolent and highly successful efforts to promote temperance, good education, and morality. Indeed, we can find no indication that this crime was more common for the one hundred and thirty-three years when the first offence was not capital, reckoning from 1642, than in the sixty years when it was punished with death. The wisdom of our ancestors during these hundred and thirty-three years is more to be commended in this than in some other particulars of their penal d ath.

Before we quit this branch of the subject, let us compare the punishment of highway robbery with that provided for crimes equally detrimental and malignant. The celebrated moralist, Dr. Johnson, remarks, that "Pride is unwilling to believe the necessity of assigning any other reason than her own will," and that "it may be suspected that this political arrogance has sometimes found its way into legislative assemblies, and mingled with deliberations upon property and life." He goes on to observe that "a slight perusal of the laws by which the measures of vindictive and coercive justice are established, will discover so many disproportions between crimes and punishments, such capricious distinctions of guilt, and such confusion of remissness and severity, as can scarcely be believed to have been produced by public wisdom, sincerely and calmly studious of public happiness." If the provisions we are about to enumerate do not justify this severity of comment, it will at least, to reduce them to any standard of necessity, expediency, or justice, require the introduction of principles with which your committee are unacquainted. For convenience, we refer to the report of the commissioners appointed to revise the statutes, part fourth, that being more easy of access to the members of the house who may wish to follow out the inquiry, than the Revised Statutes, in their present condition, and it not being requisite to our argument to notice a few alterations since made in that report, but which are not yet in operation as law.

Highway robbery, chapter 125, section 9, is an assault by one armed, who takes away property, and if resisted intends to kill *or maim*; or if the armed robber wounds or strikes the person robbed, without intending to kill or maim him. For this offence against property, thus endangering life, the punishment of death is denounced. Now it is somewhat remarkable, that offences, *not against property*, but which endanger life more directly and imminently, as well as offences more heinous and cruel against the person, the liberty, the honor, and not the purse of the injured party, are guarded against by punishments slight in comparison. Who steals the purse steals trash, but if he steals it openly, and so armed as to prevent or repel resistance, he must die for it; while whoso stealeth a man and selleth him, though armed in the same manner, with the same intent to kill if resisted, according to the report, was to be punished by fine not exceeding one thousand dollars, *or* imprisonment in the state prison not more than ten years, *or* in the county jail not more than two years. (Chap. 125, sect. 16.) So that if the robber has taken from a man of wealth the smallest coin that passes from hand to hand, being driven by the pressure of extreme want, or the insane fury of intoxication, the judge, with these extenuating circumstances before him, must pass sentence of death, for here nothing is left to his discretion; while if the same robber, armed with the same weapons, with deliberate malice aforethought, too cruel to be satisfied with the murder of its victim, should seize the same man of wealth, bind him hand and foot, and cause him to be transported to the coast of Barbary, and there sold as a slave to the Moors, the judge would be left at his discretion to inflict a nominal fine upon the offender, or to sentence him to the county jail for twenty-four hours, if he see fit. There is no intention to intimate that the judiciary would in any case affix a trivial punishment to so foul a crime, but merely to point out the strange inconsistency with which it is left to their discretion to reduce the punishment of him who takes away that liberty which is dearer than life, to limits merely nominal; while for a crime much less in a moral point of view, and less dangerous to him on whom it is committed, death only can atone, and the court are to have no discretion. This is not the wisdom of our ancestors, for their law on these two points was copied from the Jewish code, and on these two crimes that law was the opposite of ours. Highway robbery was not a capital offence in the law given to Moses: our fathers punished it on the first conviction by branding, on the second by branding and severe whipping, both too "cruel and unusual" to be inflicted now, under the twenty-sixth article of the bill of rights. The sentence of death did not follow until after the third conviction. (Charters and colony laws, page 56.) But man-stealing in the Mosaic code is capital; as may be seen by turning to the twenty-first chapter of Exodus and sixteenth verse, or to Deuteronomy, xxiv. 7. The same is our colony law of November, 1646. (Charters, &c., page 59.) While we have mitigated the harshness of the law in this case, without diminishing its efficacy, was it wise to aggravate it, as we have done in the other, without a corresponding advantage?

By the provisions of chapter 126, section 11, a person entering in the night without breaking, or by day breaking and entering a dwelling-house, outhouse adjoining it, office, shop, warehouse, or vessel to commit *murder, rape*, robbery, or other felony, and putting in fear one lawfully therein, is sentenced to the state prison not more than ten years. If a man lifts the latch and enters furtively, intending to awake no one, but armed to defend himself if attacked, and steals food to satisfy his hunger, by night, in a dwelling-house, he has forfeited his life. But if he finds the door ajar, and enters with an intent to murder all the inmates, or to commit an injury greater than murder, being armed and by night, and actually putting the inmates in bodily fear, his punishment cannot exceed ten years' imprisonment, and may be reduced to the smallest possible time in the discretion of the court. Is not this latter offence more to be feared and guarded against than the former? Is not the man who secretes himself in a house in the daytime, in order that he may murder by night, or who in a summer night climbs into an open window for the sole purpose of murdering the inmates of a dwelling-house, more to be feared, and therefore more to be guarded against, than he who stops on the highway an old man, a woman, or a boy, and takes away the slightest article of property, having in his hand a weapon which he forbears to use, although he has been told that the law will take away his life if he spares the witness whom he has in his power? Is not he who thus enters a house with a deadly weapon to kill his enemy, and then escape under cover of darkness, more to be feared and guarded against, than he who not daring to enter, sets fire to the house on the outside, and then flies? Why then is death the only and the least punishment prescribed for the lesser offences, while that which may be not only morally a greater crime, but actually more dangerous to individuals and to society, is punished at the highest by confinement for a term of years, to be limited in the discretion of the court to any period, however small?

By the twelfth section of the same chapter, the man who enters in the same manner, and with the same intent to murder or otherwise, as in the eleventh section, but who does not put in fear any lawful inmate, is to be confined in the state prison not more than three years, or in the county jail not more than two years, or by fine not exceeding five hundred dollars. And yet it is by bare accident that the intended murder or other felony has not been committed; and where the design was to commit murder or an equal crime, the attempt is more dangerous than an act of arson, burglary, or robbery, where life has not been sacrificed, and where, as in the great majority of cases, the incendiary, burglar, or robber did not contemplate that it should be sacrificed. The distinctions between the actual commission of the two highest crimes mentioned in the eleventh and twelfth sections, and the attempts with and without alarm, as described in those sections, are dictated by profound sagacity; for they leave the invader of the peaceful dwelling after he has entered, a strong inducement to retire before alarm is taken; and even after the alarm still urge him to stop short of the last degree of guilt, with a power which, if he doubts or hesitates, may sometimes stay his hand. How much wiser, then, would it be to apply the same policy to the crimes of arson, burglary, and robbery, instead of offering the criminal, by law, a premium for consummating his crime in murder, the highest possible premium, security for his own life, and letting him know distinctly, that if he resists the lion-like temptation, which the law has placed in his path, he resists not only upon peril of death, but of a public infamy more bitter than death.

By the tenth section of the same chapter, any person who by night breaks and enters an office, shop, or warehouse, not connected with a dwelling-house, or a ship, with intent to commit murder or any other felony, is to be imprisoned in the state prison not more than fifteen years. Does a man sleeping alone in an office or shop, stand so much less in need of the protection of the law than one sleeping in a dwelling-house, with others around him to assist in defence, or to give the alarm, as to justify the wide distinction between this crime and burglary? Is an attempt to steal in a dwelling, or on the road, so much higher a crime than an attempt to kill in a shop or office, that while a term of years in prison, shortened at discretion, is ample punishment for the latter, it is absolutely necessary to pass sentence of death upon the former? If the penalties provided in the tenth, eleventh, and twelfth sections of this chapter, and in the sixteenth section of the preceding chapter, are sufficient to answer the purpose of prevention, and your committee see no reason to doubt that they are so, how are we to justify the capital punishment of any crime against property? Your committee do not know of any instance in which the crimes specified in those sections were committed clearly because a severer punishment was not provided for them, but there are very numerous instances on record where the crimes of arson, burglary, and robbery have been followed by murder undoubtedly because they were punishable with death.

The further we pursue this comparison, the stronger evidence shall we accumulate, that capital punishment is not necessary for the prevention of any crime against property. By the sixth section of chapter one hundred and twenty-fifth, if any person with malicious intent to maim or disfigure another, should cut off his legs, arms, nose, and ears, cut out his tongue, and put out his eyes, what punishment is assigned to him? A fine not exceeding two thousand dollars, *or* not more than ten years in the state prison, *or* not more than three years in the county jail. Is that amount of money which a man carries about him, of more value to him than all his limbs and organs? Or does it stand more in need of the protection of the law? Or is life more endangered by taking money with intent to kill if resisted, than by tearing out the tongue and eyes with the same intent to kill if resisted? Let this question be answered by considering the comparative probability of a desperate resistance in the two cases. Or, again, is he a more dangerous member of society who takes away the pocket-book, than he who tears out the tongue and eyes? Yet the statute against maiming has stood unaltered since the revision of 1805, and has been effectual for its purpose, the more so, no doubt, because it was not so severe as to leave the offender to hope that it would not be enforced. The fine mentioned in this section was introduced by the commissioners.

In the seventh section of the same chapter, the punishment for an assault with intent to murder, is fixed to be a fine not more than two thousand dollars, not more than ten years in the State prison, *or* not more than two years in the county jail. This must be at least as severe as public sentiment requires, for as the law has stood for more than thirty years, the term in state prison could not exceed four years, and the fine has been added by the commissioners. By the tenth section, if one armed with a dangerous weapon assaults another with intent to murder, he shall be imprisoned in the state prison not more than twenty years. By these assaults, the life, being the object aimed at, is put in greater peril than in arson, burglary, or robbery, where the object aimed at is only property, yet a punishment far short of perpetual imprisonment is sufficient for the protection of life against such attempts, and no one complains that it is less than it should be. The bad passions and the recklessness which occasion assaults with intent to murder, are of course the same with those which produce actual murders, so that, if the punishment of death is the only terror effectual to suppress those passions, or if the murderer is to be executed, because, having proved that he has a disposition to kill, society cannot be safe while he is alive, then these assaults should be punished with death for the same reason as murder, and with much more reason than the three crimes against property which we have been considering. But it will be said, and justly said, these assaults should be punished less severely than murder, that the criminal may not be made desperate, but may have an opportunity and a motive to pause while it is uncompleted. If this argument is good for any thing, it applies with much greater force to the three capital crimes against property. There is more chance that a burglar or a robber will stop short of murder, if the punishments are different, and if the law does not urge him to kill by the hope of securing his own life, than that the intended murderer will stop short of his intent, after he has made the assault, from which the fear of death did not deter him.

By section eighth of the same chapter, a person attempting to murder by poisoning, drowning, or strangling another, shall be imprisoned five years in the state prison, or fined not more than two thousand dollars, and sent to the county jail for not more than two years; and by section eighteenth, he who shall mingle poison with food or medicine, or wilfully poison a spring, well, or reservoir of water, with intent to kill, shall be imprisoned in the state prison not more than two years, or fined not more than five hundred dollars. Which, then, most deserves the care of the law, property or life? For it cannot be, that life itself is more endangered where it is not aimed at, than in the poisoning of the spring which supplies a whole neighborhood, or of the medicine which the sick man swallows without suspicion. But the law has guarded the purse with more jealousy than life, or even than that which is dearer than life, for by the fifteenth section, an assault upon a woman with intent to violate her honor, which may be committed with intent to kill if resisted, or even if not resisted, is punished by imprisonment at the discretion of the court, or by fine.

But a still more striking contrast is furnished by the law of manslaughter, the wisdom of which is not impeached. If one kills another, voluntarily and without justification, but upon sudden passion without previous malice, by the fifth section of the chapter last referred to, he is to be punished, not with death, but with a fine, or imprisonment in the state prison, not more than ten years, or in the county jail, not more than three years. If the same extenuating circumstances exist in cases of arson, burglary, or robbery, they do not change the denomination of the crime, or diminish the punishment. Suppose a desperate man just ruined at a gaming-table, meets one who enrages him by bitter reproaches, and then, provoked by an angry answer, strikes him. If in his fury he should seize this man, snatch from him his pocketbook, and fly, having about him a dagger which he does not use, but only threatens to draw; this is highway robbery, punishable with death. If he had drawn his dagger and stabbed him to the heart, this would have been only manslaughter, and the punishment made as light as the court see fit to make it. The law, therefore, counsels an angry man to wreak his revenge upon life and not upon property, which in such cases it holds more sacred.

How are these inconsistencies to be accounted for? The observations of Dr. Johnson may throw some light upon them, and deserve to be quoted also for their applicability to the subject generally. "It has been always the practice," says the great moralist, "when any particular species of robbery becomes prevalent and common, to endeavor its suppression by capital denunciation. By this practice capital inflictions are multiplied, and crimes very different in their degrees of enormity, are equally subjected to the severest punishment that man has the power of exercising upon man. This method has long been tried, but tried with so little success, that rapine and violence are hourly increasing; yet few seem to despair of its efficacy, and of those who employ their speculations upon the present corruption of the people, some propose the introduction of more horrid, lingering, and terrific punishments; some are inclined to accelerate the executions, some to discourage pardons; and all seem to think that lenity has given confidence to wickedness, and that we can only be rescued from the talons of robbery by inflexible rigor and sanguinary justice." (This was in 1751.)

Yet since the right of setting an uncertain and arbitrary value upon life has been disputed, and since the experience of past times gives us little reason to hope that any reformation will be effected by a periodical havoc of our fellow-beings, perhaps it will not be useless to consider what consequences might arise from relaxations of the law, and a more rational and equitable adaptation of penalties to offences. To equal robbery with murder, is to reduce murder to robbery, to confound in common minds the gradations of iniquity, and incite the commission of a greater crime to prevent the detection of a less. If only murder were punished with death, very few robbers would stain their hands in blood; but when by the last act of cruelty no new danger is incurred, and greater security may be obtained, upon what principle shall we bid them forbear?

From the conviction of the inequality of the punishment to the offence, proceeds the frequent solicitation of pardons. They who would rejoice at the correction of a thief, are yet shocked at the thought of destroying him. His crime shrinks to nothing compared with his misery; and severity defeats itself by exciting pity.

The gibbet, indeed, certainly disables those who die upon it from infesting the community; but their death seems not to contribute more to the reformation of their associates than any other method of separation. A thief seldom passes much of his time in recollection or anticipation, but from robbery hastens to riot, and from riot to robbery; nor when the grave closes upon his companion, has any other care but to find another.

The frequency of capital punishments, therefore, rarely hinders the commission of a crime, but naturally and commonly prevents its detection, and is, if we proceed only upon prudential principles, chiefly for that reason to be avoided. Whatever may be urged by casuists and politicians, the greater part of mankind, as they can never think that to pick the pocket and to pierce the heart are equally criminal, will scarcely believe that two malefactors so different in guilt, can be justly doomed to the same punishment; nor is the necessity of submitting the conscience to human laws so plainly evinced, so clearly stated, or so generally allowed, but that the pious, the tender, and the just will always scruple to concur with the community in an act which their private judgment cannot approve.

He who knows not how often rigorous laws produce total impunity, and how many crimes are concealed and forgotten for fear of hurrying the offender to that state in which there is no repentance, has conversed very little with mankind. And whatever epithets of reproach or contempt this compassion may incur, from those who confound cruelty with firmness, I know not whether any wise man would wish it less powerful or less extensive.

All laws against wickedness are ineffectual, unless some will inform, and some will prosecute; but till we mitigate the penalties for mere violations of property, information will always be hated and prosecution dreaded. The heart of a good man cannot but recoil at the thought of punishing a slight injury with death; especially when he remembers that the thief might have procured safety by another crime, from which he was restrained only by his remaining virtue.

The obligations to assist the exercise of public justice, are indeed strong; but they will certainly be overpowered by tenderness for life. What is punished with severity, contrary to our ideas of adequate retribution, will be seldom discovered; and multitudes will be suffered to advance, from crime to crime, till they deserve death, because, if they had been sooner prosecuted, they would have suffered death before they deserved it.

The celebrated Sir Thomas More, chancellor of England more than three hundred years ago, expressed a decided opinion against the punishment of death for crimes against property. "It seems to me a very unjust thing," says he, "to take away a man's life for a little money; for nothing in the world can be of equal value with a man's life. And if it is said that it is not for the money that one suffers, but for his breaking the law, I must say, extreme justice is an extreme injury; for we ought not to approve of these terrible laws that make the smallest offence capital, nor of that opinion of the stoics, that makes all crimes equal; as if there were no difference to be made between the killing a man and the taking his purse, between which, if we examine things impartially, there is no likeness nor proportion. God has commanded us not to kill; and shall we kill so easily for a little money? God having taken from us the right of disposing of our own or of other people's lives, if it is pretended that the mutual consent of men in making laws frees people from the obligation of the divine law, and so makes murder a lawful action; what is this but to give a preference to human laws before the divine? If a robber sees that his danger is the same, if he is convicted of theft, as if he were guilty of murder, this will naturally incite him to kill the person whom otherwise he would only have robbed; since, if the punishment is the same, there is more security and less danger of discovery, when he that can best make it is put out of the way; so that terrifying thieves too much provokes them to cruelty." He also represents John Morton, archbishop of Canterbury, his predecessor in the office of chancellor, and the principal adviser of Henry VII., "a man not less venerable for his wisdom and virtues than for his high character, eminently skilled in the law, and of a vast understanding, whose excellent talents were improved by study and experience," as remarking that an experiment might be made of substituting hard labor for death; "and if it did not succeed, the worst would be, to execute the sentence on the condemned persons at last." This experiment he did not believe "would be either unjust, inconvenient, or at all dangerous," an opinion in which his Excellency the Governor, in his observations already quoted, concurs.

This branch of our subject is practically important. From November, 1813, to January, 1831, there were eighteen persons ordered for execution, under our State laws. Of these, two committed suicide in prison, and sixteen were hanged. Eight were executed for crimes other than murder, being just half the number of sufferers.

Of the crime against female honor, we shall say but few words. It is now generally unpunished, from the difficulty of obtaining a capital conviction. When we consider the tremendous power which this law would put into the hands of a bad and revengeful woman, if jurors were not unwilling to convict, we cannot wonder at their reluctance. There is generally but one witness, and the acquittal of the accused after her testimony has been heard, where it is clear and conclusive, seems to add a new burden of dishonor to a wrong already too great to be endured; while a conviction and execution only agonizes the injured party with the idea, that through her instrumentality, a wretch has been prematurely launched into eternity, and that the outrage she has suffered, and the evidence she has given, which she would wish to be buried in oblivion, are the subjects of general conversation, perhaps of misconstruction, certainly of levity and ribaldry among the abandoned and vicious through a wide region. The mere chance of loss of life, which a soldier will brave for sixpence a day, and which cannot prevent a crime carried on as deliberately as larceny, and for as small temptation, cannot have much effect in restraining those insensible to higher motives. An execution which took place at Worcester, for this crime, on the 8th of December, 1825, was soon afterwards followed by an attempt, by a brother of the criminal, to commit the same crime for which his relative had just suffered the loss of his life. The experience of England, Ireland, and France, does not show that the fear of death is a preventive of this crime, but does show, that capital punishment for the offence often causes the murder of the victim of the outrage. Several cases of this effect have been known in the United States; and one not long ago excited much attention in a neighboring State. To substitute a punishment which would not lead to murder, and which being more likely to be inflicted, would be more effectual, would be a most salutary reform.

The crime of treason, under monarchical governments, and by the advocates of arbitrary power, has been magnified into guilt of the most malignant dye. But a little reflection upon the nature of the various revolutions recorded in history, will show us that treason and patriotism have often been convertible terms, and that it depends upon the failure or the success of his undertaking whether the adventurer shall be crowned with laurel or branded with infamy, so far as government is the dispenser of good and evil fame. More and Fisher, Sidney and Russel, died the death of traitors; while Henry Tudor ascended the throne, and Cromwell attained a power greater than that of many kings. Ney, and Labedoyere perished for adhering to the army and the nation against a family hated by both, while men who had voted for the death of Louis XVI. were honored with offices of the highest trust under his legitimate successor. Riego was sent to a scaffold because a revolution had turned and gone backward, as Washington, Hancock, and Adams might have been if ours had not triumphed. Treason then is the crime of being defeated in a struggle with the government, whether wrongfully undertaken, or in a just and holy cause. "The Hungarians were called rebels first," says Lord Bolingbroke, "for no other reason than this, that they would not be slaves." Tekeli and the malecontents demanded the preservation of their ancient privileges, liberty of conscience, and the convocation of a free parliament. What precise proportion of all the treasons ever committed have been of the same character might be difficult to determine, but it is certainly very large.

For this offence, the most cruel tortures have been inflicted upon the miserable victims of tyranny. Sycophantic and corrupt legislators and judges had so far enlarged and extended its definition, that at some periods of English history, a man could hardly tell what actions of his life might not be interpreted to amount to constructive treason. Under Henry VIII., clipping an English shilling, or believing that the king was lawfully married to one of his wives, was no less than high treason. The heart of the offender was torn out from his living body, dashed in his face, and then burnt; but the punishment was too shocking to be described in all its horrid details. It was inflicted upon prince David, a Welsh patriot, in the reign of Edward First, in 1283, and continued to be the law of the land for about five hundred years afterwards, until Sir Samuel Romilly, to whom the British nation is indebted for other meliorations in their criminal code, and for his disinterested and unwearied efforts to effect reforms which he did not live to witness, by his eloquence and weight of character was able to abolish the most revolting of the barbarities it included. It was frequently inflicted, during that long period, for "having been, during a civil war, faithful to an unfortunate king; or for having spoken freely on the doubtful right of the conqueror." Such a law was suffered to remain in force five centuries, as if to warn mankind how easily the most execrable example may be introduced, and with what difficulty a country is purified from its debasing influence.

In this Commonwealth we have no reason to complain that treason is, by judicial construction, extended beyond its proper limits. With us it consists in levying war against the Commonwealth, or in adhering to the enemies thereof, giving them aid and comfort. Our Revised Statutes adopted this definition from the Constitution of the United States. No State of this Union needs a treason law, for in every case likely to arise, the federal law will be applicable and sufficient. In a collision between a State and the federal government, in case of rebellion, organized under the State authorities, a State treason law would come into action. Under its provisions, the man who adhered to his oath of allegiance to the

United States, might be hanged for his fidelity, while in retaliation, he who obeyed the State authorities might be hanged by the general government for treason against them. If it is wise to anticipate and provide for such a state of things, then a State treason law may be expedient, otherwise it would seem to be unnecessary.

If a law against treason be needed, still there is no need that the punishment should be capital. The class of men who take the lead in such enterprises are not to be deterred by the fear of death; but the prospect of it only makes them more desperate, after they have once embarked. The government cannot go through the judicial forms, and execute the sentence against a traitor, while he continues to be dangerous: after the danger is over, they may, but it would then be a gratuitous cruelty.

In preparing the Revised Statutes, we have gone back to revive the statute of 1777, enacted during the war of the revolution, and which was never before reënacted since the adoption of the Constitution of 1780. The first treason law in the colony, our ancestors enacted in 1678, the year of the popish plot, to show their abundant loyalty, "that whatsoever person within this jurisdiction shall compass, imagine, or intend the death or destruction of our sovereign lord the king, whom Almighty God preserve, with a long and prosperous reign, or to deprive or depose him from the style, honor, or kingly name of the imperial crown of England, or of any other of his majesty's dominions, * * * * shall suffer the pains of death." This sovereign lord was the dissolute and depraved Charles II., already stained with the blood of some of New England's best friends. This law grew out of the same excitement which produced, and was further inflamed by the perjuries, forever infamous, of Doctor Titus Oates. One hundred years afterwards it was law, that if any one who had sworn allegiance to George III. attempted to resist those who were depriving their sovereign lord of a very considerable part of his majesty's dominions, should suffer the pains of death: thus not merely repealing the former law, but decreeing death to those who should act under it. In 1696, a statute enlarged the definition of treason, so as to include imagining the death of the queen, or of the heir apparent, or counterfeiting the king's great seal, or privy seal, or the seal of the province.

In 1786, there were several convictions of treason, the last that have occurred in this State. The State was burdened with a heavy debt, and so was almost every town and parish in it; the debts due from individuals were immense; there was a general relaxation of manners, a decay of trade, a scarcity of money, mutual distrust, a universal want of confidence and credit, the natural consequences of an eight years' war. The taxes granted for State purposes for 1786, amounted to $1,038,097.54.

The taxable property of the Commonwealth was probably less than one fifth of its present value. Including the inhabitants of Maine, the population was less than the present number in this State alone. A State tax of five millions of dollars now, would be much less onerous than the tax of 1786. Such were the causes of the discontent which ripened into Shay's rebellion. Although Shay embodied eleven hundred men, it was quelled with the loss of very few lives; notwithstanding the convictions, no executions followed, and the Commonwealth has enjoyed internal quiet fifty years. If these misguided men had been dealt with after the fashion of the old world, and half the Commonwealth clothed in mourning by the execution of the law, could this happy result have ensued? The bitter feelings of resentment implanted in the breasts of those who had lost fathers, brothers, sons, friends, and relatives, dear to their hearts, and victims of a popular delusion, would have long survived the occasion which gave them birth. This spirit of revenge would have burst out in another insurrection, perhaps successful, as soon as circumstances conspired to favor it. Had Massachusetts been involved in a series of civil commotions, it is by no means certain that the federal Constitution would have been adopted, and what would have been the fate of this nation without the federal union, we may conjecture from the anarchy, and ceaseless wars, and frequent despotisms, of all the leagued republics of our own or former ages. The paternal conduct of our government allayed the passions of those implicated in the affair, and reconciled all to a patient endurance, until better times, of evils which could not be at once removed. Many doubted, then, whether mercy or severity would be the better policy. The result has settled that question. Your committee suggest, respectfully, whether it be wise and prudent to place in the hands of government an instrument, which in a period of excitement may be employed to inflict a lasting injury, and which can never, under any circumstances, be necessary or useful. Either the State treason law should be struck from the statutes entirely, or the crime should cease to be capital.

The case of wilful murder remains to be considered. It is not necessary to hang the murderer in order to guard society against him, and to prevent him from repeating the crime. If it were, we should hang the maniac, who is the most dangerous murderer. Society may defend itself by other means than by destroying life. Massachusetts can build prisons strong enough to secure the community forever against convicted felons.

Some will justify capital punishment on the ground that it may prevent the perpetration of the crime by others; a most shocking sort of experimenting upon human nature, to kill one man in order to reform or confirm the virtue of another! This idea seems to involve an absurd, but an awful perversion of all moral reasoning. Of all the means of exerting a good moral influence upon society, that of shedding human blood would seem to be the wildest and the worst that has ever been resorted to by reformers and philanthropists!

. But if any thing can be judged by history, observation, and experience, it has long been demonstrated that crimes are not diminished, but, on the contrary, increased by capital punishments. Whenever and wherever punishments have been severe, cruel, and vindictive, then, and there, crime has most abounded. They are mutually cause and effect. If severe punishments do not tend directly to produce the very crimes for which they are inflicted, as in some cases it may be shown statistically that they have done, they indirectly, by ministering to bad passions, and diminishing the natural sensibility of man for the sufferings of his fellow man, induce that hardness of heart which prepares the way for the commission of the most ferocious acts of violence. Under no form of government have severe corporal punishments, frequently and publicly administered, improved the public morals. The spectacle of capital punishments is most barbarizing, and promotive of cruelty and a disregard of life. Whoever sees life taken away by violent means experiences a diminution of that instinctive horror which for wise purposes we are made to feel at the thought of death. Let the idea of crime, horrible crime, be indissolubly and universally associated with the voluntary and deliberate destruction of life under whatever pretext. Whoever strengthens this association in the public mind, does more to prevent murders than any punishment, with whatever aggravation of torture, can effect through fear. The denomination of Friends have always been educated in this idea, and among them murders are unknown. The strongest safeguard of life, is its sanctity; and this sentiment every execution diminishes.

That the fear of death has not that effect on criminals which a mere theorist might suppose, is well known to every practical observer. Robberies are planned under the gallows, by the accomplices of the sufferer in his last crime. Mr. Dymond relates the story of a man executed for uttering forged bank notes, whose body was delivered to his friends. With the corpse lying on a bed before them, they were seized in the act of carrying on the same traffic, and the officer coming upon them suddenly, the widow thrust a bundle of the bills into the mouth of her dead husband for concealment. A committee of the legislature of Maine, in their excellent report made last year upon this subject, remark, that "those whom it would be desirable to affect solemnly, and from whom we have the most reason to fear crime, make the day of public execution a day of drunkenness and profanity. These, with their attendant vices, quarrelling and fighting, were carried to such an extent in Augusta, (at Sager's execution,) that it became necessary for the police to interfere, and the jail, which had just been emptied of a murderer, threw open its doors to receive those who came to profit by the solemn scene of a public execution." The circumstances preceding the execution of Prescott, at Hopkinton, New Hampshire, a few months ago, illustrate the moral effect of the law. The riot of a mob thirsting for his blood, and desirous to take revenge with their own hands, rather than lose the spectacle of that wretch's last agonies, resulted in the death of a tender wife, daughter, and mother, for whose known danger the revengers of blood, in their fury, felt no pity. Such examples must have a fearfully hardening effect: the spectators go away with their virtuous sensibility lessened, their hearts more callous, and with less power of resistance, if any strong temptation shall urge them to a deed of blood.

That hanging adds no new terrors to that death which all must sooner or later meet, is evident from its having become so common a mode of suicide, for which purpose it was almost unknown among the ancients. Not only the mode is borrowed, but the act itself is often suggested, from public executions. Often, very often has it happened, that an execution has been followed on the next day, or within a few weeks by suicides among those who witnessed the scene. It cannot be expected, therefore, that it should have any peculiar virtue to deter from crime; least of all from that crime for which it steels the breast, and braces up the nerves. Very lately, in the State of Ohio, and the day on which a man was executed for the murder of his wife, under circumstances of peculiar cruelty, another man, near the place of execution, murdered his wife in the same manner; and this is by no means the only instance where the crime seems to have been directly suggested by the punishment intended to prevent it. Howard tells us that in Denmark, where executions are seldom known, women guilty of child murder were sent to the spin-houses for life, a sentence dreaded so much more than death, that since the change the crime has been much less frequent. He also noticed the fact, that in Amsterdam, there had not been a hundred executions for a hundred years, while in London from 1749 to 1771, there were six hundred and seventy-eight, or nearly thirty a year; yet the morals of London are certainly not improved in proportion; and the English are becoming convinced, by experience, that it is not by the prodigal waste of the blood of offenders that offences are to be checked, and least of all, those high crimes springing from ungovernable passions, or a depravity or stupidity beyond the reach of motives not competent to restrain lesser criminals from lesser guilt. In France capital punishments do not diminish the number of murders, which in 1831 amounted to two hundred and sixty-seven, while the average of five preceding years was only two hundred and twenty-seven. In Pennsylvania and Ohio, where murder is the only crime punished with death, the other five crimes capital among us are "as rare as anywhere in Christendom." In Maine, four of these offences have ceased to be capital, with such favorable results that no one proposes to go backward, but there is a strong disposition to abolish all capital punishments. In New Hampshire, where they punish only murder and treason with death, the proportion of convicts to the state prison to the population, is only one in twelve thousand two hundred and eight, while in Massachusetts, with six capital crimes, it is one to seven thousand and sixteen. In Tuscany, while there were no capital punishments, there were but four murders in twenty-five years, while in Rome there were twelve times that number in a single year, death being the penalty. Under the stern severity of the British law, crimes have increased in fourteen years, as twenty-four to ten, that is more than doubled! Of one hundred and sixty-seven convicts under sentence of death, Mr. Roberts found that one hundred and sixty-four had attended executions. A punishment cannot be necessary to repress the crime of murder, which has not so strong a tendency to repress it as milder punishments. A punishment cannot be necessary which fosters the propensities which occasion murder.

This punishment is not only unnecessary for protection, which would seem to be its only legitimate object, but so crude and ill considered have been the opinions heretofore entertained upon the subject, that this committee feel compelled to go one step further, and urge, that it is not justifiable for revenge. This may appear to some superfluous, but there is strong ground to believe, that the vindictive feelings are at the bottom of much of the zeal manifested in favor of "cruel and unusual punishments," among those who do not weigh their opinions so carefully as the members of this house. There can be no need to prove, it suffices to suggest, that revenge is an unholy passion, itself the parent of many crimes, often of the crime of murder, and that it cannot be that the law should gratify and foster in the breasts of men the spirit of demons. The law should be wholly passionless, unbiassed by resentment or partiality, sitting in calm serenity in the temple of justice, to mete out penalties by the measure of absolute necessity, and staying the hand of the wrongdoer: thus, and thus only, should it guard the public good, and protect individual rights. There may have been many cases where government found it expedient to employ revenge, as well as other bad passions, to execute its decrees: such a necessity is to be regretted, and the practice abandoned as soon as the necessity ceases. Encouraging common informers was an expedient of this sort, very common in our own laws, but it has been wisely stricken out in almost every instance from the Revised Statutes. Fixing a price upon the head of a refugee was once thought just and useful, but is now condemned. Promising pardon to an accomplice, to induce him to testify against his fellow criminal, is a use now made of the treachery which is despised while it is used.

In a state of nature, every man revenges to the utmost of his power the injury that he has received: retaliation is the only rule of punishment. In a rude state of society these practices are suffered to continue, because they cannot be prevented. The law only undertakes to restrict them within certain limits, and to forbid their most cruel excesses. The legislator who should enact laws which presuppose a more elevated standard of morality, would find that public opinion did not sustain him, and that his statutes would remain inoperative and useless. It has been observed, that among a people hardly yet emerged from barbarity, punishments should be most severe, as strong impressions are required; but in proportion as the minds of men become softened by their intercourse in society, the severity should be diminished, if it be intended that the necessary relation between the infliction and its object should be maintained. For this reason, the indulgence of individual revenge is much less an evil while society is obliged to tolerate it, than it would be in a later stage, when it might be, and ought to be suppressed. We must carry these ideas with us, while we inquire whether regulations promulgated in the infancy of our race, or adapted afterwards to a peculiarly stiff-necked and obdurate people, are obligatory upon mankind in their present refinement and civilization.

Sundry passages in the Jewish Scriptures have been adduced, as authorizing and enjoining capital punishments. These injunctions were addressed to people but a few removes from the condition of savages, and almost universally addicted to the most heinous acts of wickedness. For the hardness of their hearts, their great lawgiver wrote them the sanguinary precepts, which a blind attachment to antiquity still invokes, in part, though all of them unsuited to our circumstances, and most of them universally confessed to be so. In those days, when the constant exhibition of the most stupendous miracles could not soften their adamantine hearts, which seem to have been almost as hard as Pharaoh's, nor subdue that stubborn unbelief of the rebellious Hebrews, which is perhaps the most wonderful feature in their whole amazing history, (see Numbers, chapter xi, also chapter xii, 10 and 11, 22, and 39 to 45, also chapter xvi, and many other instances from their departure out of Egypt, down to the present time,) when, after the carcasses of that whole "evil congregation," even six hundred thousand footmen, had fallen in the wilderness for their obdurate impenitence, their sons grew up "an increase of sinful men," and took no warning by the plagues in which their fathers perished, it is obvious why the most terrible national judgments must be denounced upon them, for their national sins, such as are unheard of in modern history. (Deuteronomy iv. 24–28, xxvii. and three following chapters, — utter perdition; to be scattered and banished; their land to become brimstone and salt, and be cursed like Sodom and Gomorrah; to be smitten with war, famine, and pestilence, and driven to eat their own children.) It is equally obvious that the severest punishments for private offences, (stoning to death and burning to death,) though they might be necessary to produce an effect upon a character constituted like theirs, are not therefore suited to our times, when, far from exercising a salutary influence, they would universally be deemed degrading and demoralizing spectacles. In those days, when there was no king in Israel, nor any other government capable of preserving its authority, and maintaining social order, when every man did that which was right in his own eyes, (Judges xvii. 6, also xxi. 25,) it would have been impracticable, without a perpetual miracle, even if it had been desirable, to exclude from cases of crime and punishment the operation of revenge. The fact, that it was permitted, and legalized, therefore, does not furnish us, who can exclude that passion, with a profitable example for imitation. During their forty years' wanderings in the wilderness, through the long period of anarchy and slavery, alternately prevailing, which preceded their kings, and during the bloody series of treasons, successful rebellions, civil wars, and foreign invasions, which followed the first assumption of the royal dignity, and ceased not till the final destruction of the nation under those awful circumstances so often foretold, imprisonment for life, or even for a term of years, would have been inconvenient and insecure: nor would the prison, as among civilized people, have inspired the beholders with a wholesome terror; amid such appalling scenes as fill their annals, to many a wretch it might well appear a refuge from despair, and the abode of peace. There was then no fit substitute for capital punishments, and they were resorted to almost of necessity. But, because a peculiar people, under the most peculiar circumstances, by as express an interposition of heaven, as that which directed Abraham to offer up Isaac, were commanded to punish certain crimes with death, shall we, a polished and humane people, whose moral sensibility is deeply wounded by the spectacle, under circumstances essentially opposite to theirs, without warrant, violate the great command, which says to the legislator as well as to the subject, thou shalt not kill? This is the command both of nature and of revelation; it grows out of no local or temporary occasion, but is eternal and universal in the obligation it imposes. How, then, dare any man disobey it; and how is it an excuse for our disobedience, that the man we kill has broken this law before we break it, and that we have taken into our own hands to exercise upon him that vengeance which the Almighty has declared belongs to himself, because he, in his inscrutable purposes, some thousands of years ago, specially authorized a particular people, in specified cases, to be the executors of his vengeance? We have no message from heaven, as they had, exempting from this law the six cases which our statutes exempt. This commandment made a part of the Mosaic code, with various exceptions. In the New Testament it is reënacted as a positive and unyielding text, and as such makes a part of the Christian system. The sanction of that part of the commandments relating to moral conduct is recorded by three of the evangelists. (Matthew xix. 18, 19; Mark x. 19; Luke xviii. 20.) They all enumerate the third, sixth, seventh, eighth, and ninth commandments, to which one adds the words, "Defraud not," — and another, "Thou shalt love thy neighbor as thyself," and they all relate that lesson of self-devotion and comprehensive charity which illustrates so happily the spirit in which these precepts are to be observed, upon hearing which the rich man, or ruler, as Luke calls him, went away sorrowful, for he had great possessions. No qualification is anywhere attached to either of these rules. We are not forbidden to steal except in certain cases, to bear false witness except in certain cases, to defraud except in certain cases, or to love our neighbor as ourselves except in certain cases. It is to be proved, then, before it can be admitted, that the command, "Thou shalt not kill," is any less universal than these. Surely the direction, immediately after the recapitulation, given to the young man to dedicate all his vast possession to the relief of the helpless and the destitute, affords no countenance to the assumption that Christians are allowed to kill any one, for any breach, however aggravated, either of conventional or natural law. Your committee can conceive of but one excuse which could ever justify that assumption, the imperative necessity which they have endeavored to show does not exist with either of our six capital crimes in the present state of society.

It is sometimes supposed, that, although remarks like these may be justly applied to all other capital punishments, yet that there is one solitary exception; that the life of the murderer we may rightfully take away, because such authority was given to Noah, by a law intended to be universal and perpetual. Is not this impression founded upon an entire misapprehension of the passage which has given rise to it? If there is reason to doubt whether this passage justifies the construction so often put upon it, the true import ought to be ascertained by a careful examination.

The ninth chapter of Genesis contains the covenant with Noah. In the first verse, God blesses the patriarch and his sons. The second verse continues, "And the fear of you, and the dread of you, shall be upon every beast of the earth," etc. The third verse authorizes the eating of animals, as well as vegetables. The fourth verse annexes a restriction upon this liberty, and with the two succeeding verses is as follows: "4. But flesh with the life thereof, which is the blood thereof, shall ye not eat. 5. And surely your blood of your lives will I require; *at the hand of every beast will I require it*, and at the hand of man; at the hand of every man's brother will I require the life of man. 6. Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man." It is here to be remarked that the Hebrew participle translated "whoso sheddeth," answers to our English word "shedding," and might, with quite as much or more propriety, be rendered, "whatsoever sheddeth;" and the grammatical construction will be consulted by substituting "its" for "his." The clause will then read, "whatsoever sheddeth man's blood, by man shall its blood be shed." This makes it consistent with the context. The object seems to be, to inculcate the sanctity of human life. The fear and dread of man shall be upon every beast; the beasts may be eaten for food, but not with the sacred principle of life, the blood. For life is sacred, and if your blood of your lives shall in any case be shed, I will require a strict account of it, whether it be shed by beast or man. I will myself call to a strict account the *man* who shall shed the blood of his brother, but if a *beast* has shed man's blood, by man let that beast be slain, because that beast has profanely marred the image of God in the human frame. The provision conforms naturally with that dread and fear, with which beasts are to regard their appointed lord; it accords precisely with the main object of the law itself, that blood shall not be eaten, in order to cultivate a reverence for the principle of life; and we see the force of the reason for it, that man is made in the image of the Deity, which would not be very apparent, if it were understood to mean, that because murder was a marring of God's image, therefore, whenever that image had been once marred, it should be marred again. That the Divine Wisdom did prescribe both these regulations, to eat no blood, and to slay the beast which destroyed a man, is an unquestioned fact, and the latter would seem likely to be as effectual as the former in heightening the estimation of human life, which a second marring of the divine image, in revenge for the first, would only tend to cheapen. Both these regulations were reënacted at a later date; the first in Leviticus xvii. 10 to 14, where we read, "I will even set my face against that soul that eateth blood, and will cut him off from among his people. For the life of the flesh is in the blood."

And again, "the life of all flesh is the blood thereof; whosoever eateth it shall be cut off." The other of these regulations is to be found in Exodus xxi. 28. "If an ox gore a man or woman that they die, then the ox shall be surely stoned, and his flesh shall not be eaten; but the owner of the ox shall be quit."

If this be not the true interpretation of the sixth verse of the ninth chapter of Genesis, but is to be understood to mean the man who sheds, and not the beast who sheds, it is still far from evident that the passage contains a law. "Whoso sheddeth man's blood, *by man shall his blood be shed*," is an expression precisely parallel to that of the New Testament, "All they that take the sword, *shall perish with the sword*;" but it was never imagined that this latter passage contained a divine command to Christians to exterminate with the sword every member of the military profession; why, then, should the former be thought to enjoin capital punishment? The two passages, if the former refers to man and not to beasts, would seem to be merely declaratory of the natural and general consequences, the one of murder, the other of war. If this were a law, it would be peremptory in all cases, death for death, making no distinction between murder, manslaughter, excusable and justifiable homicide, much as the law now is among some oriental nations. If this law is obligatory upon us, it is obligatory in this form, yet no member of this legislature would be willing so to receive it. If it were meant for a universal law, why was it not given when the first case happened, that of Cain, and why was it not ordered to be enforced in so many cases occurring throughout the historical parts of the Old Testament, such as those of Moses and David, to instance no more? A law which is not stated to have been enforced in a single case for many hundred years after it was given, under a theocracy, and while it was often broken, cannot have been meant for universal observation, ages after, under governments far from infallible, and when milder manners, and the extinction of that ferocity of character prevalent in early times, call for milder punishments.

If the antiquity of this supposed law is alleged to give it a perpetual binding authority, go back to a much more ancient decision upon the same point, much more likely to be intended for an everlasting precedent. For the hardness of their hearts, precepts suited to a rude and half barbarous race were given to the Jews, and for the same reason were even more likely to be given to the immediate descendants of Noah; but in the beginning it was not so. Cain was sentenced to be a fugitive and a vagabond, and in his despair he cried out, "my punishment is greater than I can bear." "And the Lord said unto him, Therefore, whosoever slayeth Cain, *vengeance shall be taken on him seven fold.* And the Lord set a mark upon Cain, *lest any finding him should kill him.*" A few verses further on, we find Lamech saying to his wives, "I have slain a man to my wounding, and a young man to my hurt: if Cain shall be avenged seven fold, truly Lamech seventy and seven fold." From which we may infer that the precedent established in the case of the first murderer was followed in that of the second, and that he who first violated the sanctity of life was judged less worthy of protection than he who should afterwards follow that evil example. If capital punishment was not necessary for the preservation of the best interests of society in the time of Cain and Lamech, when imprisonment was impossible, and not even attempted, and that it was not, appears from the judgment of that wisdom from which there is no appeal, how can it be needed now, when we have the most perfect arrangements both for securing and reforming the offender?

That this law, if it be a law, is more ancient than the law of Moses, is no reason for believing it was not abolished or superseded by Christianity. Circumcision was the sign of the covenant made with Abraham and his posterity ages before Moses, and Moses himself was threatened with the punishment of death for the non-performance of this rite, even before the departure out of Egypt. (Exodus iv. 24, 25, 26.) Yet it appears in the fifteenth chapter of Acts, that the apostles after a full discussion of the matter, did not hesitate to declare that no Gentiles need be circumcised, (Acts xv. 1–29, also xxi. 25.) although the command was given to the patriarch and to all his descendants, including whole nations of Gentiles, and to all their slaves, also Gentiles, under penalty of death, and "for an everlasting covenant." (Genesis xviii. 9–14.) This command bears much more the appearance of being literally everlasting in its obligations than the phrase in question, yet Christians now make great exertions to convert Jews from their observance of it, believing it to have become for the last eighteen centuries null and void. A much more ancient institution than this, the sabbath of the seventh day, sanctified at the creation, (Gen. ii. 3.) and seeming to be of universal obligation from that circumstance, for the slightest infraction of which the penalty of death was inflicted; (Ex. xxxi. 14; xxxv. 2; Numbers xv. 32–36); was abolished by the Christian religion. But there is no reason to believe that this part of the covenant given to Noah, extends any further than the rest. It is no more than coëxtensive with the prohibition to eat blood, which was renewed by the apostles and applied to the Gentiles, when they released them from that intolerable yoke the Jewish law; and by breaking which a man forfeited his life, while the injunction to punish murder with death is nowhere to be found in the New Testament. That part of the command which the apostles especially retained and recommended to the Gentiles, we have abandoned as being unsuited to our circumstances; why, then, should we adhere to that other part of it which the apostles did not retain, and which is not once alluded to in the whole New Testament, but is diametrically opposite to its pervading spirit? This apparent sanction of revenge, for to that it would amount if it were a command, not being a part of the Christian system, can claim no preëminence above the Mosaic code, but must stand or fall with the provisions of this code, according as it is suited or otherwise to the existing state of society.

The Mosaic code was a code of blood. It had one general penalty, like the code of Draco, and that penalty was death. The soul that presumptuously broke any of the commandments should be utterly cut off: Numbers xv. 22, 23, 30, 31. The children of Israel are represented as crying out, "Behold, we die, we perish, we all perish," — which was literally true, for sentence of death was pronounced against them, all that were over twenty years of age, except Caleb and Joshua, for their unbelief: (Num. xiv. 29, 32, 35,) and their carcasses fell in the wilderness, as was denounced against them when they murmured at Kadesh. Moses and Aaron died for their sin at Meribah, one upon Mount Hor, and the other on Mount Nebo: Numbers xx. 12, 28; Deuteronomy xxxii. 50, 51; xxxiv. 5. For an idea of the strength of the motives it was necessary to set before such a people, one may consult the twenty-seventh and several following chapters of Deuteronomy. The severity with which they were chastised may be seen in the destruction of Korah and his company, and of fourteen thousand seven hundred men the very next day: Numbers xvi. of twenty-four thousand men: Numbers xxv. of Achan, burnt with his wife and children for purloining forbidden plunder; in the extermination of all the women and children, and most of the men of the tribe of Benjamin for the sin of a part of the men; and of the men of Kadesh Barnea, because they would not assist in the slaughter. Yet none of these punishments appear to have had any lasting effect upon them. It would seem as reasonable to urge that Christians ought to adopt their rules of war against the Canaanites, as to pretend that a criminal code suited to their character could be suited to ours. Polygamy was not forbidden by that code; bigamy was expressly recognized: Deuteronomy xxi. 15. The trial by ordeal was instituted: Numbers v. 11–13. Witches and wizards were sentenced to death: Exodus xxii. 18; Lev. xx. 6, 27. When all these regulations were proper and necessary, it was no doubt equally proper, and for precisely the same reasons, that murder should be punished with death.

It would have been strange indeed if a different punishment had been decreed for murder. Of the ten commandments, one, the tenth, cannot be enforced by any human tribunal, because coveting cannot be known until it manifests itself in an overt act. But every one of the other nine commandments was in some cases sanctioned with the penalty of death. This penalty for infractions of the first and second commandments may be found established in Deuteronomy xiii. 1–5; the false prophet to be put to death: 6–11; one who entices to the service of false gods to be stoned: 12–16; city serving false gods to be sacked, burnt, and never rebuilt, all the inhabitants and cattle utterly destroyed with the edge of the sword: xvii. 2–7; any worshipper of sun or moon or other gods to be stoned: prophet in the name of other gods or without authority: xviii. 20, to die. So he that sacrificed to any other god: Exodus xxii. 20; or worshipped Molech: Leviticus xx. 1–5. This law was executed in the slaughter of three thousand worshippers of the golden calf: Exodus xxxii. 27, 28. So strictly was religious worship guarded with this penalty, that it was denounced for not keeping the passover, for sacrificing at home, for eating the fat of the ox, sheep, or goat, or of any animal used in sacrifice, for eating blood, counterfeiting the holy ointment used by priests: Exodus xxx. 33; or the holy perfume: 38; or touching, or seeing, or coming nigh the holy things: Numbers iv. 15, 20; xviii. 7, 22, 32.

The laws under this head have been enumerated more particularly, to show in a striking light how opposite was their government in its nature and objects to ours, since for these and analogous crimes, which they punished with death, we have no punishment whatever, and by our Constitution they are left to every man's own conscience.

The breach of the third commandment, when it amounted to blasphemy, was punished by stoning to death: Leviticus xxiv, 10–16; the execution is recorded in the twenty-third verse. The observation of the fourth commandment was guarded with the same penalty: Exodus xxxi. 14; xxxv. 2; Numbers xv. 32–36. This penalty was extended to the keeping the tenth day of the seventh month: Leviticus xxxiii. 29, 30. The slightest infraction of the prescribed rest, gathering a few sticks, was enough to justify death. The sanction of the fifth commandment may be found in Deuteronomy xxi. 18–21; in Exodus xxi. 15–17; and in Leviticus xx. 9. For smiting or cursing them, or for disobedience, on the testimony of his parents, the stubborn son was stoned to death.

Under the seventh commandment, adultery was punished with death: Lev. xx. 10; Deut. xxii. 22; so when only constructive: Deut. xxii. 23; so the violation of a betrothed damsel: Deut. xxii. 25; though if she were not betrothed the punishment was merely a fine. So death was the penalty for incest, bestiality, and sodomy: Lev. xx. 12–16; Ex. xxii. 19. The daughter of a priest who should offend against chastity was burnt to death: Leviticus xxi. 9. The bride suspected not to be a maid, upon a very uncertain test, was stoned to death. Deuteronomy xxii. 20, 21.

One breach of the eighth commandment was capital, man-stealing: Deuteronomy xxiv. 7; Exodus xxi. 16. So also was the violation of the ninth commandment, when the witness falsely charged another with a capital crime: Deuteronomy xix. 21; upon the principle of retaliation. Thus were all the commandments sanctioned by the same bloody penalty, and they are described by the Deity himself in these remarkable words: "Wherefore I gave them statutes which were not good, and judgments whereby they should not live:" Ezekiel xx. 25. Under such a system it would have been strange indeed if the punishment of death had not been inflicted for murder, but because it was naturally a part of that system, it cannot follow that it should be a part of ours. The command "thou shalt not kill," is undoubtedly a part of the Christian system, indeed it is repeated by the Saviour, and it seems, standing, as it does, without any qualification, to forbid capital punishment, quite as peremptorily as it does murder. If we are to look back to the Mosaic code for qualifications and exceptions, and for the rule of punishment, then we are called on to adopt again the unchristian spirit of revenge, and the rule of retaliation so pointedly condemned by the Saviour in his sermon on the mount: Matthew v. 38, 39. "Ye have heard that it hath been said, *an eye for an eye, and a tooth for a tooth;* but I say unto you that ye resist not evil. * * * * Love your enemies, bless them that curse you, do good to them that hate you," etc. The old law of murder is alluded to in the twenty-first verse of the same chapter, but instead of approving it, the Great Teacher turns abruptly from it, to inculcate lessons of good will, forgiveness, and love, and to contrast the mild and pure spirit of a religion seated in the heart with the crude, gross, and imperfect ideas of morality and religion, which prevailed among his hearers. No principle of the old law does he censure more distinctly and decidedly than that of retaliation, upon which the punishment of murder is grounded. The principle is laid down in Deuteronomy xix. 19–21, and applied to perjury. "Then shall ye do unto him, as he had thought to do unto his brother. * * And thine eye shall not pity; but life shall go for life; *eye for eye, tooth for tooth*, hand for hand, foot for foot." So in Exodus xxi. 23–25: "And if any mischief follow, then thou shalt give life for life, *eye for eye, tooth for tooth*, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe;" and v. 28: the ox that gores a man shall be stoned. So in Leviticus xxiv. 17–22: "And he that killeth any man shall surely be put to death. And he that killeth a beast shall make it good; beast for beast. And if a man cause a blemish in his neighbor; as he hath done so shall it be done to him; breach for breach, *eye for eye, tooth for tooth;* as he hath caused a blemish in man, so shall it be done to him again. And he that killeth a beast he shall restore it: and he that killeth a man he shall be put to death." In all these passages the principle is, to return to the criminal the amount of evil he had inflicted. The Jews were taught to love their neighbor and hate their enemy, whom they regarded as the enemy of God, to be "utterly destroyed." See instances in Deut. ii. 34; xx. 17; Joshua vi. 21; viii. 26; x. 28, 30, 32, 33, 35, 37, 39, 40, and numerous others. Christ in teaching, love your enemy, rebukes this propensity, and commands to do good to them which hate you, and, like the Highest, to be kind unto the unthankful and the evil. "Judge not, and ye shall not be judged: condemn not, and ye shall not be condemned: forgive, and ye shall be forgiven." "Be ye therefore merciful, as your Father also is merciful:" Luke vi. 27, 38; these are the precepts of the gospel, which the apostle sums up in a rule precisely opposite to the Mosaic law of retaliation, condemned by Christ; "*Recompense to no man evil for evil:*" Romans xii. 17.

In case of murder, the Mosaic law allowed revenge to have free scope, as it does among our North American Indians. There was no judge called in, but the nearest relative revenged the wrong. The improvement which this system introduced into the natural law of savages was simply providing a place of refuge for the man who had *accidentally* slain another: Ex. xxi. 12–14; Deut. iv. 41; xix. 1–13; Joshua xx. 1–9. It would seem that manslaughter was punished with death as well as murder, though of this there may be a doubt: Leviticus xxiv. 17, 21; Numbers xxxv. 11–30. Our fathers understood, from these passages, that manslaughter was a capital crime, and they enacted, Colony Laws, page 59, "If any person slayeth another suddenly, in his anger or cruelty of passion, he shall be put to death." By the passage last cited it appears, that even in case of purely accidental homicide, where one killed another *unawares*, "and was not his enemy, neither sought his harm," the revenger of blood was allowed to kill the slayer, if he could find him anywhere without the city of refuge, before the death of the high-priest.

The principles developed in this law are as diametrically opposed to the spirit of Christianity, and as unsuited to the circumstances of our times, and the existing state of society, as the law which directs circumcision under pain of death: Gen. xvii. 14; Ex. iv. 24; or the law which punishes with death, contempt of court, or disobedience of the court, in not hearkening unto the priest or judge: Deut. xvii. 13. We might as well adopt their law of Mayhem, which rests on the same principles, — we might as well adopt polygamy, which was permitted to the patriarchs, recognized in the law of Moses, practised in the time of Christ and the apostles, and not forbidden by them, as to legalize the passion of revenge, which they did forbid, by borrowing the Jewish law of murder, manslaughter, and accidental homicide. If we are to inflict capital punishment for murder, because private revenge was allowed to operate unimpeded among the Jews, we have the same authority for the practice of assassination. We are told, in Judges iii. 15, 30, that the Lord raised up Ehud a deliverer, who, under the pretence of a secret errand to Eglon, king of Moab, obtained an audience of him in his private parlor, and drawing with his left hand a two-edged dagger, stabbed him in the abdomen, and going out, locked the door upon the dead body of the tyrant. In chapter fourth, is an account of the treacherous murder of Sisera, captain of the host of Jabin, by Jael, the wife of Heber, who was, at the time, at peace with Jabin. She enticed him into her tent by an offer of hospitality: he partook of her refreshment, and trusting to her friendly protection, was soon fast asleep. Then Jael went softly to him with a nail and a hammer, and smote the nail into his temples, and fastened it into the ground. In Christian morality, and without the divine warrant, which, indeed, nowhere appears in the history, this whole transaction would be one of unequivocal baseness, yet the whole of the next chapter is an anthem of exultation over the betrayed and slaughtered chief; and in the twenty-fourth verse, Deborah, the prophetess, says of the assassin, "blessed above women shall Jael, the wife of Heber, the Kenite, be, blessed shall she be above women in the tent;" and this is followed by bitter mockery of the bereaved mother of Sisera, by Deborah, who styles herself "a mother in Israel," (v. 7,) and the song of praise and triumph closes with a prayer, "so let all thine enemies perish, O Lord, etc." Upon whatever principles these passages are to be explained, the purpose for which we quote them is indisputable, that the acts of Ehud and Jael are not examples for the imitation of Christians, neither are those maxims of revenge, which make up their penal code, to whom Moses gave precepts for the hardness of their hearts. The government of the Jews was altogether peculiar, and intended to effect peculiar ends. It will not answer to imitate it without the special assistance which was vouchsafed to the heads of that government; least of all, to imitate it in those particulars, in which it is furthest from the benignant spirit of the gospel.

If any one were to propose to restore the whole Jewish law of homicide, the absurdity would be perfectly apparent; yet, that part which we retain, seems no less repugnant to Christian principles than those provisions which we so long ago abandoned.

Our ancestors appear to have looked for precedents in the Jewish code, and, accordingly, they punished, with death, breaches of the first and second commandments, witchcraft, blasphemy, even in pagan Indians, murder, manslaughter, bestiality, sodomy, adultery, actual or constructive, manstealing, perjury against life, conspiracy, rebellion, cursing a parent, smiting a parent, disobedience of parents, ravishing a maid, but not a married woman, abusing a child under ten years. Most of these crimes have long ceased to be capital, but the consequences of that early mistake were too awful ever to be forgotten. The warning should not be lost, but we should learn from it to construct our penal laws upon the principles of reason, and from a knowledge of human nature, instead of blindly copying what was intended for a character unlike our own, under circumstances in many respects opposite to ours.

Your committee are aware, that a scriptural argument is not the ordinary mode of treating a question of modern legislation; but, believing that difficulties existed in many minds from a narrow view of the bearing of Jewish law on modern society, from a misunderstanding of some passages, and a neglect of others, and omitting to apply to the question the distinctive characteristics of the Christian dispensation; they thought it their duty to endeavor to remove these difficulties. They are aware, also, that their remarks on this branch of the subject, contain no new information to those who are familiar with their Bibles; but Scripture is so often quoted by those who appear not to have examined it, that it may be useful, by means of numerous references, to make an examination of the whole subject easy to any one wishing to enter upon it.

Your committee have confined themselves to the discussion of three questions: 1. Has society a right, from the social compact, to take away life? 2. Is there any thing peculiar to either of our six capital crimes which requires the punishment of death? 3. Is there any command in Scripture which enjoins on us to inflict that punishment in any case? They have preferred to give somewhat thorough and extended answers to each of these questions, rather than to go over the whole ground which they might have occupied. To enter upon important considerations which remain untouched, would enlarge the limits of this report beyond what customary usage would justify. They therefore conclude with the words of his Excellency, "the people of America should be the last blindly to adhere to what is established merely as such; and it may sometimes be our duty to imitate our forefathers in the great trait of their characters, — the courage of reform, — rather than to bow implicitly to their authority in matters in which the human mind has made progress since their day."

And they ask leave to introduce a bill to abolish the punishment of death.

All which is respectfully submitted.

Per order of the Committee,
ROBERT RANTOUL, JR., Chairman.

LETTERS ON THE DEATH PENALTY.

NUMBER I.

To his Excellency the Governor, and to the honorable members of the Senate and House of Representatives of the Commonwealth of Massachusetts.

Your Excellency having recommended, and your two houses having instituted an inquiry into the expediency of reforming the laws which now regulate the death penalty among the people for whom you are called to legislate, I propose to submit to your attention a few facts which seem to me pregnant with important inferences.

A heathen writer, whose sentiment on this subject no Christian need be ashamed to repeat, Seneca, has said, *Nemo prudens punit quia peccatum est, sed ne peccatur. Revocari enim prœterita non possunt; futura prohibentur.* The wise man punishes, not because an offence has been committed, but that offences may cease. For the past cannot be recalled; what has not yet occurred may be prevented.

The founder of the modern science of the philosophy of law, the illustrious Montesquieu, has announced an axiom, which no one in the nineteenth century will be hardy enough to gainsay. *Tout chatiment dont la necessite n'est pas absolue devient tyranique.* (*Esprit des Lois.* Published in 1748.) Every act of punishment not demanded by absolute necessity, is tyranny.

Is the death penalty necessary; is it effectual to prevent crime? If not, it cannot be justified.

Since 1810, more than fourteen hundred human beings have been executed in England and Wales, for crimes which have now ceased to be capital.

For no one of these crimes was the death penalty repealed, until facts were known and published, sufficient to establish, by a perfect demonstration, that that specific crime was rendered more frequent by the then existing state of the law.

In all these changes, the beneficial effects expected and predicted, have been realized, and more than realized. In no case have the evils apprehended by those who despise the teachings of experience, followed the reform.

In reducing the capital crimes of England from two hundred and twenty-six to ten, there were at least fifteen of the crimes made non-capital, which occurred frequently enough to afford a fair test of the effect of the change. The new laws have been in operation long enough to allow us to divide the time into three equal parts, and compare each of these parts with three equal periods before the repeal. This would give nine comparisons for the state of each crime, or one hundred and thirty-five experiments in all, for the whole of England and Wales. But we may take London and Middlesex, and each of the eight circuits separately, and still have, in each of these nine sections, a population more than twice as large as that of Massachusetts; large enough therefore to be worth examination. Each of these one hundred and thirty-five experiments has, therefore, been tried nine times over in the subdivisions of the kingdom, making, together with the comparisons of the whole aggregate, one thousand three hundred and fifty trials of the repeal of the death penalty, besides all those for crimes less frequent, for Scotland, and for Ireland, and for the Welsh circuits.

So decisive are these results, that I have never heard of any Englishmen, at the present time, insane enough to wish to restore the bloody rubric from which the present generation has escaped; any more than to restore those holocausts of human sacrifices, scarcely more detestable and equally efficacious, which our British ancestors offered to demons, when their island was invaded by Cæsar.

If the legislators of Great Britain, who, after 1810, continued so long in force, a rule of penal law, which, like a moral Bohon Upas, poisoned and blasted the conscience of the nation, had known beforehand what they now know, — that, as the blood of the martyrs is the seed of the church, so the blood of the criminal becomes fruitful in the multiplication of crime, and that each one of those offences for which they then retained the now abolished death penalties, would be committed many times, and all, in the aggregate, many hundred times more frequently, because they persisted in trying again and again, an experiment which had never been tried without a failure — if they had known all this, I say, wherein would those fourteen hundred executions have differed from fourteen hundred gratuitous murders, except that there was superadded to them all the deplorable consequences, the vast aggregate of sin and misery which they undeniably generated?

But as it was through ignorance that they obstinately kept open the floodgates of such terrible evils, let not the sin which they should have prevented, be laid to their charge, but let us study their errors only to profit by the lessons they teach us; and let us see whether there be not remaining in our own code, crimes, as to which we should do well to avoid persevering in a severity which is found to be not only ineffectual for good, but absolutely and clearly pernicious; to avoid subjecting another child of our common Father, to an ignominious death, when, so far from protecting the best interests of society by the dreadful infliction, we thereby undeniably occasion an augmentation of crime.

If there be on our statute book even one such offence, who would knowingly assume the tremendous responsibility of launching into eternity his erring brother, to try once more the desperate experiment which is already decided against the destroyer?

As I live, saith the Lord God, I have no pleasure in the death of the sinner that repenteth, but rather that he should turn and live. What Christian government would not gladly afford space for repentance to the most grievous offender, when assured, that while so doing, it may protect, not only as well, but more effectually, all those interests which punishment is wielded to defend?

I have already laid before the committee of the two houses, and will soon address to you in this public manner, facts which show that crime diminishes in proportion as the denunciations and administration of the criminal law are rendered milder, and the rule of a barbarous retaliation abandoned; whence I infer that it will be our duty, as it will be our happiness, to introduce and extend, until it shall pervade our whole legislation, the spirit of benevolence, compassion, and sympathy, which is the spirit of heaven, and to banish from our code the spirit of malice, hatred, and revenge, which is the spirit of hell. When men act consistently upon the belief which they now generally admit in theory, that the whole purpose of punishment is precautionary and not retributive, that brutal cruelty does not humanize him who suffers, him who inflicts, or him who beholds it; that after every instance in which the law violates the sanctity of human life, that life is held less sacred by the community among whom the outrage is perpetrated; that prisons are hospitals for the restraint of persons whose liberty would endanger the well-being of society, and for the remedial treatment of aggravated moral disease; then, and not till then, will the frightful catalogue of crimes committed in civilized countries be curtailed as rapidly as the remaining obstacles of intemperance, ignorance, and extreme destitution, and those untamed passions which the spectacle of blood stimulates, will allow.

Your friend and servant,

R. Rantoul, Jr.

Boston, Mass., February 4, 1846.

Number II.

When one casts his eye upon the history of crime and punishment in modern Europe, the phenomenon which first attracts his notice is the prodigality with which the death penalty was formerly dispensed, and the prodigious advance which a milder system of repressive policy has made during the eighteenth, and the first quarter of the nineteenth centuries; and still more remarkably, during the last twenty years. As this mitigation of punishment has been tried in every part of Christendom, if any evil consequences had followed from it, some one would have been able to point them out, and to tell us when, where, how, and how long the mischief manifested itself. Yet among more than two hundred authors upon this subject, whose writings I have examined, I have never found but two who have seriously attempted to exhibit the evils which these successive meliorations of the law must have occasioned, if those wise men against whose indignant remonstrances these changes were effected were right in their prognostications. The two champions of blood were the authors of "Hanging not punishment enough," published in 1701, and "Thoughts on Executive Justice," published in 1785; both which works are now reprinted and distributed by the opponents of the death penalty, to show the absurdities into which men of great learning and talents are forced, when they attempt to vindicate the operation of the gallows.

Most of those who have regarded with favor existing death penalties, have united in the chorus of condemnation of those which have been repealed; so that no sooner is any one item stricken from the bloody catalogue, than the voices of its former defenders are silenced, and all the world seems to discover at once, that it has been practising for ages, without the shadow of a justification, a revolting cruelty.

When we propose to take further steps in the path which thus far has been found to lead us in the right direction, the class of persons who seldom admit that the world may grow wiser, raise the warning cry that we set at nought the wisdom of our ancestors. It is best to inquire then, without going back too far, what was the wisdom of the last two or three generations, in the matter of death penalties, how far have we departed from it, and what have been the consequences of that departure.

It is quite immaterial what country we select for this investigation, as the results are everywhere the same. Some governments, however, afford us official data, much more complete and accurate than we can obtain elsewhere, and an argument founded on facts thus ascertained, is to be preferred, because it avoids the long controversies about the evidence of the facts advanced, to which we should otherwise be exposed. Let us first consult, then, the experience of the two neighboring nations of Holland and Belgium. Both have spilled blood till they sickened at the spectacle. Both have laid aside the axe at last, to rust unused or very rarely to be drawn from its depository among the other relics of a barbarous age.

In the city of Amsterdam, during the greater part of the last century, executions diminished as follows: From 1693 to 1735, there were in 43 years, 288; 1736 to 1745, 10 years, 20; 1746 to 1766, 21 years, 28; 1776 to 1783, 8 years, 5. Total, in 82 years, 341.

This table gives between four and five executions, or, to be precise, 4.15 per year for the eighty-two years included in it. But for the period ending in 1735, it gives 6.7 per year; 1745, 2; 1766, 1.3; 1783, .6.

That is, the annual number of executions was about eleven times as great at the beginning of the eighteenth century as in the latter part of it, during the time of our revolutionary war.

Howard, the philanthropist, in 1785, speaking of Holland, says, "of late in all the seven provinces, seldom more executions in a year than from four to six."

In the kingdom of Holland from 1831 to 1835, inclusive, five years, there were five executions, or one per year. Holland, therefore, had five times as many executions in a year, half a century before, as she had in this last period, and if the proportion was the same as in Amsterdam for the preceding periods, then she had fifty-five times as many in a year in the period preceding 1735, as in the period preceding 1835. Were their morals better? or their lives, their limbs, their goods safer, with fifty-five times as many executions? No! The sword dropped from the wearied hands of vindictive justice. They had learned the lesson of the French sage, *une loi rigoureuse produit des crimes* — Harsh laws beget crimes. They had arrived, after wading through a sea of blood, to the conclusion of Bentham: "If the legislator be desirous to inspire humanity amongst the citizens, let him set the example; let him show the utmost respect for the life of man. Sanguinary laws have a tendency to render man cruel, either by fear, by imitation, or by revenge.

But laws dictated by mildness humanize the manners of a nation, and the spirit of government."

That Holland is better governed, dispensing with fifty-four parts out of the ancient death penalties, no man denies. These fifty-four parts have been abandoned not only without detriment, but with positive advantage. Is it unreasonable to suppose, that the remaining fifty-fifth part is of the same deleterious nature, and might be discarded forever, with the same safety and certain utility?

Instead of attempting a detailed examination of the criminal statistics of Holland, which would so far as I can carry it, strengthen the general inference I have drawn, but which would, after all, be unsatisfactory and open to objection, because of the imperfection of the materials within my reach, I pass on to Belgium, where, fortunately, we have tables containing much valuable information for thirty-nine consecutive years, and of unquestionable accuracy.

Total number of criminals sentenced to death in Belgium, excluding Limbourg and Luxembourg, in each year from 1796 to 1833, inclusively, distinguishing also those condemned for murder and attempts to murder, including under the head of murder the three crimes of murder, poisoning, and parricide:—

Years.	Condemned.	For murder.	Years.	Condemned.	For murder.
1796	8	7	1815	8	3
1797	27	27	1816	18	10
1798	71	31	1817	20	15
1799	60	38	1818	11	5
1800	34	14	1819	14	9
1801	90	29	1820	8	5
1802	85	38	1821	18	4
1803	86	44	1822	9	7
1804	58	25	1823	6	5
1805	25	15	1824	20	17
1806	42	17	1825	18	13
1807	38	25	1826	12	5
1808	24	6	1827	14	4
1809	23	19	1828	20	8
1810	20	10	1829	10	4
1811	30	22	1830	2	0
1812	25	15	1831	8	2
1813	30	12	1832	17	9
1814	8	5	1833	8	2
19 years	784	399	19 years	241	127
Per annum	41.2	21		12.6	6.6
Executed	531			71	
Per annum	28			3.7	

From this table it appears, that during the nineteen years ending in 1814, in which were 531 executions, or 28 per annum, the number convicted of capital crimes was 784, or a little more than 41 per annum, and the number convicted of murder 399, or 21 per annum. But in the next nineteen years, when the executions were 71 only, or less than 4 per annum, the convictions were 241, or less than 13 per annum, and those for murder 127, or less than 7 per annum. So that under the unrestricted operation of severity, when executions were more than seven times as numerous as in the latter period, capital crimes were more than three times, and murders also more than three times as frequent.

Not only does this result follow from the table taken as a whole, but each period in which a change in the degree of severity occurs, teaches the same lesson.

The three years in which more than fifty executions occurred in each year, were followed respectively by the three years of most numerous murders. In 1798, the executions were 60; 1799, condemned for murder, 38; 1801, executions were 76; 1802, 52; condemned for murder, 38; 1803, condemned for murder, 44.

These three years, presenting an average of 63 executions a year, or little more than double the average of the first 19 years, were thus followed by three years of 120 murders, or 40 murders per year, about double the average of the period in which they are included.

The dragon's teeth sown in the judicial butcheries of 1798 and 1801–2, springing up in this unexampled harvest of murders in 1799 and 1802–3, ought to teach every government how the evil example of vengeance returns with its bloody instructions to plague the inventor.

After 1808, criminal justice became milder; the number of executions which for ten years previous had been 411, or 41 a year, was suddenly reduced to 93 in the next seven years, or 13 a year. Did this mildness encourage crime? On the contrary, the table already given shows, that there were not so many condemned annually, *for all capital offences*, during these seven years, as for murder alone during the reign of blood that preceded them.

The mitigation of severity during the next period is still more remarkable, as are also its effects. In the ten years ending in 1824, there were 49 executions; in the ten years ending in 1834, only 22. The convictions for murder diminish, as is already seen in the table, in almost as rapid proportion.

I shall show that the results from other criminal returns are similar to these.

R. RANTOUL, JR.

Boston, Feb. 6, 1846.

NUMBER III.

Enough has been said of the experience of Belgium in abandoning death penalties, were it not for an objection brought forward by M. Ernst, minister of justice, in the Belgian chambers in the debate of 31st January, 1835, and afterwards in his official report published at Brussels, in 1835, drawn from the results of the year 1834, which I have not yet given. The unsoundness of this objection was demonstrated in the Chambers by M. Van Brouckere, who on the 3d of February revived his former motion to abolish the death penalty; by M. Ed. Ducpetiaux, inspector-general of the prisons of Belgium, in his work on the statistics of capital punishment, published at Brussels in 1835; by M. Lucas, in the Revue Etrangere, 1835, p. 271; and by M. Vischers, in the Critical Journal of Jurisprudence, Vol. VIII. No. 4, p. 118.

It is also perfectly easy to refute the objection of M. Ernst, from the data furnished in his own report.

In 1834, M. Ernst states that there were in all Belgium, twenty-eight capital convictions, of which nine were for murder, two for arson, and fifteen for dangerous larceny. But in order to compare this year with those given in our former table, we must give the year as stated by Ducpetiaux, omitting the provinces of Limbourg and Luxembourg. It will then stand thus: condemned twenty-three, for murder seven, arson two, dangerous larceny twelve. Now taking these facts without the explanations which we shall give directly, what do they seem to prove? No inference can be safely drawn from a single year. If our table had stopped at 1824, it would have shown for that year the largest number of convictions and condemned for murder since 1813, and yet the averages show that they were constantly decreasing. Let us then take averages for periods of five years, and include 1834 in the last total. The first period has but four years. The effect of the executions is to be studied.

Number of criminals executed, whole number convicted of capital crimes, and whole number convicted of murder in Belgium, excluding Limbourg and Luxembourg, from 1799 to 1834 inclusive, divided as nearly as may be into eight equal periods, with the average of each class per year: —

Time.	Total conv.	Exec.	Cond. for m.	Total per an.	Ex. per an.	Cond. for m. per an.
4 yrs to 1799	166	137	103	41	34	26
5 “ 1804	353	135	150	71	47	30
5 “ 1809	152	88	82	30	18	16
5 “ 1814	113	71	64	23	14	13
5 “ 1819	71	26	42	14.2	5.2	8.4
5 “ 1824	61	23	38	12.2	4.6	7.6
5 “ 1829	74	22	34	14.8	4.4	6.8
5 “ 1834	58	0	20	11.6	0.	4.
39 yrs. to 1834	1048	602	533	26.9	15.4	13.7

It appears from this table, that while executions increased murders increased. Executions reached their highest point in 1801 and 1802, averaging for those two years sixty-eight a year; and murders accordingly reached their highest point one year later, in 1802 and 1803, averaging for those two years forty-one a year. After executions declined, murders declined also, until they averaged but four a year, including that very year 1834 on which the supposed objection is grounded. If a diminution in the average of murders, while there were no executions, to less than one tenth the average of 1802 and 1803, does not show a sufficient change, in only thirty-two years' time, to warrant a favorable inference for the modern practice, it is difficult to imagine any facts, short of the cessation of crime altogether, from which such an inference might be drawn. Observe also the uniformity between the falling off in the number of executions, and in that of convictions for murder.

After the period ending in 1799, the executions increase thirteen, the convictions for murder increase four. In all the following periods, they decrease. After

1804,	Ex. decrease,	29	Com. for murder,	14
1809,	“	4	“	3
1814,	“	8.8	“	4.6
1819,	“	.6	“	.8
1824,	“	.2	“	.8
1829,	“	4.4	“	2.8

This is not because the executions are always a certain proportion of the total convictions, or of those for murder, for such is not the case. In the first nineteen years, the convictions for murder are three hundred and ninety-nine, and the executions five hundred and thirty-one. In the last twenty years, the convictions for murder are one hundred and thirty-four, and the executions only seventy-one. Of the total convicted, the proportion who escaped the death penalty by pardon, commutation, or otherwise, rose from about 17 to 100 per cent. Thus in the

4	years ending in	1799,	17 1-2
5	“	1804,	33 1-2
5	“	1809,	42
5	“	1814,	34
5	“	1819,	63 1-3
5	“	1824,	62 1-3
5	“	1829,	70 1-4
5	“	1834,	100

As the sentences pronounced *in contumaciam*, that is to say, in the absence of the absconding criminal, are included in the tables given, our argument will not be complete unless we inquire how it is affected by deducting these. This is perhaps a fairer mode of comparison, as many of these sentences are afterwards reversed upon trial.

Without giving a table for the separate years, it is sufficient to furnish the totals for the first and second periods of nineteen years: —

In 19 years ending in 1814, of	784	convicts,
were convicted *in contum.*	122	
Otherwise,	662	
In 19 years ending in 1833, of	241	convicts,
were convicted *in contum.*	70	
Otherwise,	171	

Subtracting the convictions *in contumaciam*, we have only ten condemned in 1832, instead of seventeen, and seven in 1833, instead of eight.

As the extraordinary number of murders in 1799, and in 1802 and 1803, were preceded by years of cruelty in the execution of the law, so the only years in which the number condemned for murder did not exceed three, excluding those *in contumaciam*, followed the years when there had been a remarkable mitigation in the use of the death penalty.

Years.	Executed.	Cond. for m.	Excluding those con. *in contum.*
1813	23		
1814	3		
1815		3	1
1819	9		
1820	2		
1821		4	3
1825	5		
1826	2		
1827		4	3
1828	11		
1829	3		
1830	0	0	0
1831	0	2	1
1832	0		
1833	0	2	1

These six years, each following so remarkable a change from the harsher practice, have in all, nine condemned for murder, excluding the cases *in contumaciam*, or one and a half per annum on an average, instead of the forty-one per annum, which immediately followed the cruelty of 1801 and 1802.

After weighing all these facts, it may perhaps seem unnecessary to say one word in explanation of the total for the year 1834, but as they have been made the text for many comments, it is as well to understand them. Of the capital convictions for that year, fifteen cases are comprised in one band of robbers, organized many years before, *deja ancienne*, and tried for crimes committed long before. These cases therefore have no bearing on the argument, and might have been fairly omitted in all the reasoning on this question.

Of the seven cases included under the head of murder, two only are cases of actual murder, namely, those of Thonus and Dominick Nyss. The other five are assaults with intent to kill, a capital crime by Belgian law.

Whether capital crimes generally, have increased in Belgium under the milder system, may be judged by the following table of the numbers of prosecutions in two periods of five years each.

Crimes.	No. of prosec. fm 1826 to 1830.	No. of prosec. fm 1831 to 1834.
Murder and homicide,	185	169
Poisoning,	28	17
Arson,	35	28
Infanticide, rape, and forcible attempts on chastity,	108	65
Aggravated wounding,	490	351

That lesser crimes increased in Belgium during these four last years, so far as it is true, strengthens the argument to be drawn from these figures.

R. Rantoul, Jr.

Boston, February 10, 1846.

Number IV.

Before proceeding further in our examination of the administration of criminal justice in other countries, I will furnish complete statistics of the death penalties in this Commonwealth since the adoption of the Constitution, October, 1780.

As there has been no capital convictions since the present year commenced, these tables will terminate on the 31st December, 1845, embracing the entire period of sixty-five years. These tables are now published for the first time; and they are the more valuable because there are none covering so long a space for any other State of our Union, or indeed for any country on the American continent.

Convictions for capital crimes in Massachusetts from 1780, October, to 1845 inclusive, with the result of the several cases: —

Crimes.	Ex.	Died in prison.	Com.	Par.	Total.
Arson,	4	0	2	0	6
Burglary,	16	0	3	2	21
Highway robbery	9	0	0	0	9
Robbery,	2	0	0	1	3
Murder,	23	2	7	5	37
Piracy,	1	0	0	0	1
Rape,	6	0	1	1	8
Treason,	0	0	2	14	16
	61	2	15	23	101

Of one hundred and one convictions there have been sixty-one executions, or 60 per cent. For treason there has, fortunately, been no capital punishment, neither in this State nor in any other State of the Union; but for the other crimes included in this catalogue, the punishment has been much more uniformly inflicted after conviction, than in most countries of the Old World. The proportion of the executions to convictions is for each offence as follows: piracy, 100 per cent.; highway robbery, 100; robbery, 66; or all robberies, 92; burglary, 76; rape, 75; arson, 66; murder, 62; treason, 0; all offences, 60. Excluding treason, for all other offences, about 72 per cent. This stern and unrelenting rigor in the executive is not witnessed elsewhere in Christendom, certainly not in any civilized portion of it. In England, whose government we justly denounce as sanguinary, in twenty-one years from 1813, there were convicted for murder eight hundred and seventy-seven; executed three hundred and twenty-six, or 31 per cent. For arson, convicted one hundred and ninety-three; executed eighty one, or 42 per cent. For rape and unnatural crimes, convicted two hundred and twenty-one; executed one hundred and sixteen, or 52 per cent. Total for the crimes just mentioned, convicted twelve hundred and ninety-one; executed five hundred and twenty-three, or 40 per cent.

In France, in eight years ending in 1832, the convictions were for murders of the different classes, highway robbery and arson, eleven hundred and twenty-nine, and the executions for all crimes, were only five hundred and thirty-seven, or 47 per cent. For the next three years, the executions were but seventy-four, or less than twenty-five per year, for more than thirty millions of people.

In Prussia, in fifteen years ending in 1834, there were convicted for murder one hundred and sixty-two, of whom were executed eighty-nine, or 55 per cent.

In Belgium, in the twenty years ending in 1834, the convictions were, according to the tables already given, two hundred and sixty-four; executions seventy-one, or 27 per cent. Almost the whole of these Belgian convictions were for crimes capital in Massachusetts.

In Saxony, in twenty years ending in 1835, there were one hundred and thirty-four capital convictions for murder, arson, robbery, and rape; and thirty-six executions, or nearly 27 per cent.

In England, France, Prussia, Belgium, and Saxony, as well as many other nations that might be mentioned, where the proportion of executions to convictions is much smaller than in Massachusetts, and much smaller than fifty years ago in the same countries, murders have rapidly diminished in those countries, in which executions are scarcely known; slightly in France, where the change of policy was not so great; while in England, down to about 1835, murders and attempts to murder increased, since which, under a milder administration of the law, there has been a change for the better.

In Massachusetts, with less executive clemency than in any other State or nation of which I have read, for the nineteenth century, murder seems to have increased. For if we divide our period of sixty-five years into three periods of twenty years each, and place by itself the last period of five years, we have the following result:

From	1780	to	1800	convicted for	murder,	7	in 20	years.
"	1800	"	1820	"	"	12	"	"
"	1820	"	1840	"	"	13	"	"
"	1840	"	1845	"	"	5	5	"
Or at the rate of				"	"	20	20	"

Convictions for murder, then, are about three times as frequent as they were fifty years ago, notwithstanding the constantly increasing difficulty in obtaining convictions, a fact felt by every one, notwithstanding greater temperance, better education, and the diminution of the crime of murder in almost every country in Christendom.

Although it has appeared, wherever the experiment has been tried, that frequent executions are followed by frequent murders, and on the contrary, when executions seldom occur, murders soon become very rare, yet so strong is prejudice, that the lesson must be a thousand times repeated before men will cease to deny its truth. Let us see, then, how far our own experience corroborates the inferences drawn from the experiment of Belgium.

To obtain the total number of executions in Massachusetts, I shall add to those under the laws of the State, those within our limits under the authority of the United States, and compare the total for each five years, with the convictions for murder for the same time: —

Five years.	Ex. by Mass.	Ex. by U. S.	Total Ex.	Con. for mur.	Fifteen yrs.
1780 to 1785	13	0	13	2	
1785 to 1790	16	0	16	2	
1790 to 1795	3	3	6	3	7
1795 to 1800	1	0	1	0	
1800 to 1805	4	0	4	2	
1805 to 1810	3	0	3	4	6
1810 to 1815	3	1	4	4	
1815 to 1820	3	7	10	2	
1820 to 1825	6	1	7	3	9
1825 to 1830	5	1	6	6	
1830 to 1835	0	9	9	1	
1835 to 1840	3	0	3	3	10
1840 to 1845	1	0	1	5	rate 15
	—	—	—	—	
1780 to 1845	61	22	83	37	

The average number of executions for each period of five years is 6.4. Take then all the periods in which the executions exceeded this average, and see whether more murders were, or were not proved to have been committed in the periods immediately succeeding. Then make also the same comparison for all those periods in which the number of executions falls below the average.

Total executions in Massachusetts in each period in which the number exceeded the average, with the conviction for murder for the same and for the succeeding five years: —

Executions.	Convictions same five years.	Convictions next five years.
13	2	2
16	2	3
10	2	3
7	3	6
9	1	3
—	—	—
55	10	17

Periods which fall below the average of executions.

6	3	0
1	0	2
4	2	4
3	4	4
4	4	2
6	6	1
3	3	5
—	—	—
27	22	18

If in this second series, the twenty-two convictions had increased in the same proportion as the ten in the first series, the result would have been thirty-seven convictions, or more than double the eighteen which actually occurred. But they should have increased in a much greater ratio than in the first series, if the absence of the terror of the death penalty multiplies murders, for the executions in the first series are eleven for every five years, while in the second series they are only 3.8 for every five years, about one third the former average.

These facts do not encourage us to persevere in the experiment of death.

R. RANTOUL, JR.

Boston, February 12, 1846.

NUMBER V.

The facts stated in my last letter do not show that frequent executions diminish murders in Massachusetts any more than in Holland, or Belgium, or other countries.

For convenient comparison I will give the executions in England and Wales for fifteen years ending in 1840, including the period in which the most material changes in their rubrics of blood went into operation: —

Years.	Mur.	Rob.	Burg. and house break.	Arson.	Rape.	Other crimes.	Total.
1826	10	15	10	1	2	19	57
1827	11	17	10	0	2	33	73
1828	18	5	14	0	3	19	59
1829	13	12	14	3	3	29	74
1830	14	5	8	6	3	10	46
1831	12	7	5	16	4	8	52
1832	15	4	5	16	7	7	54
1833	6	8	1	9	1	8	33
1834	12	2	0	8	4	8	34
1835	21	0	1	7	0	5	34
1836	8	4	1	2	1	1	17
1837	8						8
1838	5					1	6
1839	9					1	10
1840	9						9
Total,	171	79	69	68	30	149	566

In the five years ending in
1830 there were 309 or 62 per annum.
1835 " 207 or 41 "
1840 " 50 or 10 "

In the five years ending in
1830 for murders, 66 or 13 per annum.
1835 " 66 or 13 "
1840 " 39 or 8 "

Certainly this change is sufficiently great and sudden to furnish the fairest possible test of its effects.

Let us examine its effects, then, first on the crime of murder; and as the milder system was first tried in London and Middlesex, we will first record the result of that experiment.

The first dawning of mercy towards the convicted murderer, in London and Middlesex, was in 1827. For sixteen years no convicted murderer had been spared; for the next sixteen years, 37 per cent. were spared. Did the cruelty diminish, or the mercy increase the murders committed?

Number committed, convicted, and executed in London and Middlesex, in sixteen years, ending in 1826, and in 1842, for the crime of murder: —

Committed,	16 years to 1826,	188,	16 years to 1842,	90
Convicted,	" " "	34,	" " "	27
Executed,	" " "	34,	" " "	17
Of convictions were executed,		100 per cent.	do.	63
Of committals were convicted,		18 "	do.	30

When all convicted were executed, only 18 per cent. of those committed could be convicted, and there were one hundred and eighty-eight committed. When only 63 per cent. were executed, 30 per cent. of those arrested were convicted, and the committals sank to ninety, whereas had they increased in proportion to the population, they would have amounted to about two hundred and fifty.

In Massachusetts we have executed 62 per cent. of those convicted, and have convicted about 20 per cent. of those indicted, which is less than 18 per cent. of those committed, as many murderers are indicted for manslaughter. Our jurors have a greater horror of the death penalty than those of London and Middlesex.

Capital crimes generally did not increase in London and Middlesex, when executions ceased there after 1833, nor in the intermediate period while they were so rapidly diminishing.

Interrogate experience as you will, and you still receive the same answer, — the answer never at variance with the voice of humanity. The proportion of convictions increases as you abandon an inhuman punishment; and punishment is efficient to prevent crime, much rather in proportion to the certainty of its infliction, than the degree of its severity.

London and Middlesex — offences capital in

	Executed.	Committed.	Convicted.
1828 and 1829	46	679	299 or 44 per cent.
1834 " 1835	none	543	352 or 65 per cent.

The per centage of convictions had increased from 44 to 65 per cent., a sufficient reason why the committals should fall off one hundred and thirty-six, or 20 per cent. of the whole number, in only six years time, and while all other crimes had increased about 25 per cent.!

Trace the progress of this suppression of crimes; study its course in this and the thousand other instances within your reach, from which I am offering but a scanty selection, and see how crime disappears before the majesty of the law, just so soon as reason and humanity resume their empire in the administration of the law.

London and Middlesex — offences capital in 1828, and 1829: —

	Executed.	Committals.
Three years ending December, 1830	53	960
1833	12	896
1836	none	823

If crimes had increased from the first period only as fast as population, we should have added about one hundred to the nine hundred and sixty then given. If these crimes had increased as fast as crimes not capital during the same time, we should have added about two hundred to the same number. Instead of which, the committals have fallen off one hundred and thirty-seven, and if we consider the greater readiness to inform, and to arrest where the punishment is moderate, we cannot doubt that the crimes actually committed had fallen off in a much greater ratio than the committals for trial.

It will be seen from the table that the executions for other crimes than murder, were much fewer after 1833, than before it, so that this dividing point affords a test to measure the effect of death penalties on capital crimes generally, which down to 1833, had been very rapidly increasing.

Persons executed for other crimes than murder, with total committals for crimes capital in 1828 and 1829, in England and Wales: —

	Executed.	Committed.
Five years ending December, 1833	199	11,982
1838	45	11,332

With less than one fourth the executions for other crimes than murder, the committals for crimes capital at the commencement of this period, fell off six hundred and fifty instead of increasing as they should have done, to keep pace with population, nine hundred or one thousand. Allowing for increase of population, these crimes, therefore, diminished about one thousand six hundred, or over 13 per cent., while other crimes increased much faster than population.

For murder, the table shows that there had been no material mitigation of severity until after 1835, the two years 1834 and 1835 having a greater average of executions for murder than any other two years in the table. Afterwards they fell to half that average, and the uniform, the inevitable effect follows:

Murder — England and Wales: —

	Executed.	Committed.
Three years ending December, 1835	39	216
1838	21	191

But the full effect of such a change is hardly felt under an interval of a year from its occurrence; examine then the comparison from the close of the year 1836.

As all experience shows that frequent executions foster the propensity to murder, I add the total of execution, for all offences.

Number committed and executed for murder, and total of executions in England and Wales, for four periods of six years each : —

	Committed.	Executed.	Total.
Six years ending December, 1824	407	91	529
1830	411	75	358
1836	413	74	234
1842	351	50	52

A falling off in the last six years of sixty-two committals for murder, or about 15 per cent. of the whole number.

As it is now perfectly well established that the private "avenger" stays his hand the more readily when the law ceases to deal out vengeance, and that the subject reveres God's image in his fellow man the more devoutly when the law displays no longer to his view its wholesale slaughters ; as it is proved that we need not violate the divine command — *thou shalt not kill,* in order to protect society against the increase of crime ; nay, that the blood we shed will but cause the shedding of more blood, in an endless vicious progression, is it not natural to pause, and inquire whether the strangling of one of our fellow-creatures is a spectacle of so great a moral beauty, such an exercise of the finer feelings of nature, that society must provide for its occasional exhibition, a choice and private exhibition, now, even at the expense of the infinite evils which flow from it, as implicitly as crime begets crime?

R. Rantoul, Jr.

Boston, February 14, 1846.

Number VI.

I have given, already, strong evidence of the immediate influence produced in the diminution of the crime of murder, as well as all other capital crimes, wherever a milder punishment is substituted for the death penalty.

I know the question which must naturally arise in the mind of any one unacquainted with the criminal statistics of the Old World, as he reads these letters. He will ask whether the progress of education and civilization, during the present century, have not tended to banish crime, and especially the most aggravated classes of crimes, from among a cultivated and Christian people, like the subjects of the British empire. I am sorry to say the progress has been all in the contrary direction. The frightful rush into criminal courses, demonstrated by the annual returns, is almost too amazing for belief, too awful for contemplation. How much more decisive, then, is the evidence afforded by the few exceptions to this general augmentation of crime, in the cases of the repeal of the death penalties. To see how general is this augmentation, first measure the growth of crime in the United Kingdom.

Committals for serious crime in the United Kingdom, with the ratio to the population at several periods: —

Years.	Eng. & Wales.	Scotland.	Ireland.	Total.	Population.	Ratio one to
1805	4605	89	3600	8294	15,800,000	1907
1819	14254	1380	13251	28885	20,600,000	713
1830	18107	2603	15794	36504	23,927,407	650
1834	22451	2711	21381	46543	24,912,170	537
1842	31309	3884	21352	56545	27,031,100	478

In 1805, there was one committal to every one thousand nine hundred and seven inhabitants, and in 1842, one to every four hundred and seventy-eight inhabitants; in other words, in thirty-seven years, crimes had quadrupled in proportion to population. If crime had advanced in Ireland, for the last eight years in this table, as rapidly as it did in England and Wales, the last total would have been about sixty-five thousand, and the ratio to population, one to four hundred and sixteen. But Ireland, which had increased in crime much more rapidly than England and Wales, from 1805 down to 1834, has been operated upon by very different influences since 1834, and the crimes for 1842, are less than those for 1834, and the average for 1840, 1841, and 1842, is one hundred and sixty-five per annum less than that for 1834, 1835, and 1836. Severity had been tried in Ireland, until the rod of justice was broken in her hands. Death, and the severest forms of punishment next to death, were dealt out more lavishly in Ireland than in England, Wales, or Scotland, and the consequence was, an impossibility to convict. Take the first four years of the returns as an example.

Committals and convictions in Ireland, from 1805: —

	Committals.	Convictions.
1805	3,600	609
1806	3,781	643
1807	3,522	608
1808	3,704	668
Total for four years,	14,607	2,528 or 17 1-3 per cent.

Only 17 1-3 per cent. could be convicted, while the number of crimes actually perpetrated was undoubtedly greater than that of the committals. What is this but the successful struggle of the best instincts of a great nation against the detestable cruelty of their government; a struggle which, however, reduces the forms of justice, in four cases out of five, to a mere unmeaning mockery. Notwithstanding this practical impunity, thus resulting, as it always does, from an intolerable severity, the experiment of cruelty, so far as the death penalty is concerned, was continued down to 1834, after which a milder system begins.

Recollect that the population of Ireland is about half that of England and Wales, and then compare the numbers.

Executions in England and Wales, compared with those in Ireland: —

	England & Wales.	Ireland.	Total.
1822	97	101	198
1823	54	61	115
1824	49	60	109
Total of three years,	200	222	422

Take then the period ten years later, during which the milder system began to be tried for other crimes than murder.

	England & Wales.	Ireland.	Total.
1832	54	39	93
1833	33	39	72
1834	34	43	77
Total of three years,	121	121	242

I have shown in former letters, the failure and gradual abandonment of the experiment of cruelty in England, as well as in Holland and Belgium. Let us see where the experiment of still greater cruelty left Ireland, just before the change of the system there commenced, a change prompted by the noblest motives, and crowned with triumphant success.

From 1805 to 1834, twenty-nine years only, crime in England and Wales increased 387 per cent.; but in Ireland during the same period, crime increased 494 per cent. But if we take our starting point four years later, in 1809, and reckon to 1836, twenty-seven years only, crime had increased in Ireland 556 per cent. A similar increase for twenty-seven years longer would give about one hundred and sixty thousand criminals in Ireland in 1863, and reduce the whole island to the condition of Sodom and Gomorrah by the close of the century. While Ireland was thus rushing towards her destruction with the swiftness and force of this torrent of crime, the action of that great conservative engine, the gallows, was suddenly checked, its restraining and purifying influences were almost wholly withdrawn from this unhappy people, who for more than three hundred years had enjoyed the perpetual presence of the hangman in a richer measure than almost any other people, either in or out of Christendom. What then followed the loss of that salutary dread, which to the cannibal imagination of such as still worship Moloch enshrined in the temple of justice, seems the only sure preventive of crime? "The corner stone of the moral government of the world" was shaken almost out of its place, and can we not trace the sad effects of this appalling calamity?

Executions in England and Wales compared with those in Ireland, since the mitigation:—

Year.	England and Wales.	Ireland.	Total.
1835	34	27	61
1836	17	14	31
1837	8	10	18
1838	6	3	9
1839	10	17	27
1840	9	0	9
1841	10	5	15
Total of seven years,	94	76	170

Was Ireland better governed in 1822, with 101 executions, than in 1840 with *none?* In 1822, with but little more than half the population of England, she had a larger list of crimes than England. In 1835, the lists are nearly equal. Since 1840, mark the difference:—

Year.	Committals in England and Wales.	Committals in Ireland.
1822	12,241	15,251
1835	20,731	21,205
1840	27,187	23,833
1841	27,760	20,796
1842	31,309	21,352

The total number of crimes, however, affords but a faint idea of the condition of Ireland under the reign of terror. The capital crimes, and those for which death was ordinarily inflicted, when convictions could be obtained, were far more numerous in proportion to those of England, than those not capital.

In 1832, there were in Ireland, homicides, 242; robberies, 1179; burglaries, 401; malicious burnings, 568; firing with intent to kill, 328; felonious attacks on houses, 723. In all, 2441; besides many other atrocious crimes not comprehended in these classes. Since 1834, crime has diminished, and atrocious crimes much more rapidly than lesser offences.

Not the hangman and the halter, but Father Mathew with his temperance medals has done this. Not by building scaffolds, prisons, transport ships, and pillories, but by shutting up the distilleries, the grog-shops, bar-rooms, alehouses, those manufactories of murder, arson, rape, and robbery, as well as of all other crime and misery, has this blessed reformation been thus far accomplished.

While diminished in Ireland from 1834 to 1842, in England and Wales the committals increased 8,858, or 39.5 per cent., and in Scotland 1,173, or 43 per cent. in the same eight years.

While this terrible march of crime thus overruns the kingdom, no sooner is a death penalty repealed, than the crime for which that penalty had been denounced is suddenly arrested in its progress, while all other crimes continue to advance as before.

The capital crimes created by statute bear date as follows: There were 4 made capital under the Plantagenets; 27 under the Tudors; 36 under the Stuarts; and 156 under the House of Brunswick.

More crimes were denounced as capital during the reign of George III. than in the reigns of all the Plantagenets, Tudors, and Stuarts combined together.

The advance of crime was never so rapid as in the latter part of the reign of George III. In 1814, the committals in England and Wales were 6,390, and in 1817 they were 13,932. They had more than doubled in three years! There is nothing like this in the history of Ireland.

The death penalty for coining was repealed, 23 May, 1832, for horse-stealing, sheep-stealing, cattle-stealing, larceny in dwellings, (£5,) 11 July, 1832; forgery and uttering, etc., 16 August, 1832, and house-breaking, 14 August, 1833. For these offences, in the four years ending with 1831, there had been condemned to death 3,786 persons, of whom 66 were executed.

Let us divide crimes into three classes, and compare those from which the death penalty had just been removed, first, with those which were previously non-capital, second, with those which still continued to be capital. First, non-capital offences: —

				Commitments.
In three years,	1827	1828	1829	46,833
	1830	1831	1832	51,623
	1833	1834	1835	51,701

Here the commitments rose four thousand eight hundred and sixty-eight, or more than 10 per cent. in six years.

Second, offences for which death penalties continued: —

				Commitments.	Executions.
In three years,	1827	1828	1829	1,705	108
	1830	1831	1832	2,236	120
	1833	1834	1835	2,247	102

Here again the commitments rose five hundred and forty-two, or about 32 per cent., in defiance of the executions, in six years.

Third, offences before named, in which death penalties were repealed in 1832–3, including burglary with house-breaking, because it was so often indicted as house-breaking: —

				Commitments.	Executions.
In three years,	1827	1828	1829	4,622	96
	1830	1831	1832	4,724	23
	1833	1834	1835	4,292	2

In this class alone the commitments fell four hundred and thirty-two, or about 9 per cent. in the last three years.

Does this change arise from any peculiarity of the crimes selected for the repeal of the death penalty? No; for so fast as other crimes are selected for the same experiment, the same result follows, and this, too, whether the mitigation be by a repeal of the law or by an almost total disuse of the penalty.

England and Wales. Robbery, — mitigation commencing in 1834: —

		Executed.	Committals.
Five years ending December,	1833	36	1,949
	1838	5	1,634

Attempts to murder, etc., — mitigation commencing in 1835: —

		Executed.	Committals.
Four years ending December,	1834	14	520
	1838	4	528

To have borne the same proportion to population, the last number should have been 551 instead of 528.

Capital assaults on females, — mitigation commencing in 1835: —

		Executed.	Committals.
Four years ending December,	1834	16	222
	1838	1	223

To have kept up the same ratio to population, the last number should have been 235 instead of 223.

Arson, — mitigation commencing in 1837: —

		Executed.	Committals.
Two years ending December,	1836	9	148
	1838	0	86

Take also longer periods for three of the crimes included in the former table, — horse-stealing, burglary, and forgery.

Horse-stealing, — mitigation commencing 1830: —

		Executed.	Committals.
Nine years ending December,	1829	46	1626
	1838	0	1565

Burglary and house-breaking, — mitigation commencing 1833: —

		Executed.	Committals.
Six years ending December,	1832	56	5199
	1838	3	4621

Forgery, — mitigation commencing 1830: —

		Executed.	Committals.
Ten years ending December,	1829	64	746
	1839	0	731

For these seven crimes in the periods named, there were, before the mitigation: —

	Executed.	Committals.
	241	10,410
In the same time after the mitigation,	13	9,388
A falling off in the committals of nearly 10 per cent.		1,022

In January, 1835, I proposed to repeal the death penalty in Massachusetts, and in the debate which followed, argued on general principles the certainty of results like these. Experience now confirms what then was called theory.

R. RANTOUL, JR.

Boston, Feb. 17, 1846.

CHAPTER VII.

HIS OPINIONS ON BANKING AND THE CURRENCY, AND HIS EFFORTS TO CORRECT SOME PREVALENT ERRORS ON THESE SUBJECTS.

As a watchful observer of every cause which affects the prosperity of a State, Mr. Rantoul, from an early period, had felt a deep interest in the subject of banks, banking, and the currency. Whatever history could teach in relation to it, whatever facts passed before his observant eyes, suited to throw light upon it, all were seized upon by his logical mind, carefully analyzed, and reduced to clear, practical, invincible principles. Hence his writings and speeches on the subject are not only full of thought, but they display a thorough and comprehensive mastery of all its details. Nor was he idle in the use of this knowledge. Few writers in the country, and no public speaker out of congress, afforded a more efficient support to the measures which President Jackson found himself obliged to take for crushing the factious, if not treasonable proceedings of the United States Bank, — that monster of financial iniquity, under the management of Nicholas Biddle, and his unscrupulous associates and hirelings. While the remembrance of that bank shall endure, — and, as a warning to the country of the tremendous evils of such an institution, its remembrance should never die, — so long will be cherished the recollection of Mr. Rantoul's able, effective, and brilliant writings and speeches, in support of the course pursued by the president of the Union. The power and success of Mr. Rantoul's efforts, much as they were aided by his eloquence, were founded on his thorough and capacious knowledge of every question relating to the currency.

In 1832, he delivered a speech of singular eloquence and ability, in support of the veto of the United States Bank. In

October, 1833, and March, 1834, his speeches in vindication of the removal of the deposits were of unsurpassed excellence and efficiency; the latter, addressed to the largest meeting ever held in Salem, contains an argument in support of that measure, as sound and convincing as the clearest deductions of reason, or the positive testimony of unquestionable facts. In the following pages, it is again presented to the reader.

In his speech, and in that on the veto, Mr. Rantoul defined the law, which governs the fluctuations of paper money, and in February, 1835, in a speech in the house of representatives, applying this law to the then condition of the banks, predicted they would stop payment in 1837. He repeated this prediction in 1836, in his speech on the Ten Million Bank. Of his three speeches in the house on the sub-treasury, in 1838, only one, the shortest, was printed. It is ever to be lamented that the democratic press, of the capital of the State, never did justice to Mr. Rantoul, in the only way in which justice could be done, namely, by giving to the public, who much needed them, full and fair reports of those admirable speeches, in which he eloquently supported democratic truth and liberty. Those of the speeches above referred to which have been printed, will constitute the most interesting and valuable part of this chapter of his memoirs. But it would be an injustice to his memory not to include in it, also, some of the excellent essays which he published in the Gloucester Democrat, upon the same great topics. In December, 1834, he commenced the publication of a series of papers, in seven numbers, on banks; and these essays, evidently prepared with great care and research, will continue to be interesting and instructive, while banks shall exist. Without further preface, they are as follows: —

BANKS.

No. 1. The origin of banking institutions is ascribed to the Italians. In the free cities of Italy, there were, in early times, "lumber houses," or "Lombard Houses," which were no other than what are now called banks. No doubt but that the beginning of traffic among mankind was by exchanging one commodity for another, as men could suit each other's occasions. But the necessities of men being so various and different in respect to the quantity of requisites, money was instituted as the most convenient medium for commerce, whereby people might procure whatsoever they stood in need of, in quantities according to their wants. This changed bartering into buying and selling. Yet all trade resulted in a general barter. For he who sells for money, buys what he wants with the same money. Money, then, becomes the principal engine for circulating the bulk of commodities. Money is used in minuter dealings when it is commuted for all kinds of labor, and to furnish the necessary provisions for daily use. This requires its being divided into the smallest denominations of the pieces, as dimes, half dimes, and cents, so that this way of trading is not capable of being conveniently transacted by bills and assignments. The experiment has been often tried in this country, of substituting bills of a very small denomination for hard money, but always with loss, vexation, and disappointment. The smallest denomination of bank bills, that are now allowed to circulate, are those of one dollar. Most of those who consider the effect of a paper currency, as a substitute for coin of the smaller denominations, have come to the conclusion that it is injurious to the community to circulate bank bills of so small a denomination as one dollar, or even of any denomination less than twenty or twenty-five dollars, which last sum would correspond well with the five pound notes of the Bank of England, the smallest that are now issued by that moneyed institution; whose example in many other respects, has unbounded influence in the management of money concerns in our own country.

In coincidence with the progress of public opinion, in regard to the circulation of small bills, the congress of the United States prohibit the United States Bank from issuing any bill of a less denomination than five dollars, and the States of Pennsylvania, Maryland, Virginia, and Georgia, prohibit the circulation of any bills of a less sum. The State of New York have prohibited the circulation of bills of other States of less than five dollars, within the limits of that State; and from the result of the late elections, we may reasonably expect that the legislature will hasten to take the next step by prohibiting their circulation altogether. We have even some hopes of a better state of the currency in Massachusetts, founded upon the sentiments contained in the opening message of Governor Davis to the general court, in the session of 1834. The opinion expressed by Daniel Webster in some of his speeches, but above all, in the good sense of the yeomanry of our State, who will no longer submit to the interested views of those partisans, whose mental pen rarely extends beyond the profits of some bank, or other moneyed institutions.

Perhaps the only effectual remedy of the existing evil will be found in the power of congress to impose a stamp duty upon all bank bills hereafter to be issued, or paid out by any bank, of a less denomination than is consistent with the general interest, and to prohibit under sufficient penalties, the circulation of unstamped bills of the denomination required to be stamped. But let not the suggestion of the expediency of the interference of congress retard State legislation, as without this manifestation of public sentiment, through the legislatures of the principal States, the measure cannot be expected to obtain in congress, in opposition to the interest of more than four hundred banking institutions, spread over the whole territory of the United States.

Whenever this prohibition of the circulation of small bills, directly or indirectly brought about, shall obtain, through the United States, the place of these bills, as fast as they disappear from circulation, will be supplied with silver and gold coin, — the only proper medium for all the smaller transactions of business. Most of the buying and selling of three quarters of the whole community, would then be carried on with something more tangible in the hands of laboring men, than slim strips of paper, less liable to be worn out, destroyed, and lost, and much less liable to be counterfeited.

Counterfeiters understand well that they meet with much better success, and with larger profits, by putting into circulation bills of the smallest denomination, rather than those of the larger. These last being more used by those who are better qualified to detect the fraud, and from their greater amount, adding the stimulus of greater interest, to induce a critical examination of each bill as it passes from hand to hand. The poor and the ignorant suffer an undue proportion of the loss, arising from the circulation of small bills, whether it occur from counterfeits, or from the wearing out and loss of bills of this class; and this is an inevitable consequence of their universal use in this part of the country, as a substitute for coins of gold and silver.

No. 2. Money is also employed in the more extensive and wholesale way of trade, wherein large sums are negotiated; and this occasions frequent payments from one trader, or merchant, to another. In these payments, although strictly speaking ready cash may be required as often as contracts are made, yet, as commerce generally consists in the mutual dealings and transactions of many traders, it may often fall out by means of interchangeable debts and credits, that divers traders may satisfy each other's occasions without making any payments in specie, by transferring their debts to each other. But when such mutual conveniences do not occur, traders receive their money in specie, and so pay it from one to the other. Yet this way of payment is attended with many inconveniences, as trouble in counting the money, hazard in securing it from thieves, and the loss from trusting it in the care of unfaithful persons; for the prevention of all which, cities of large commerce in every part of the world have very naturally introduced the use of banks. And while banks are confined to the legitimate objects of deposit and transfer, or are extended to the lending of the money which may belong to those who are the proprietors of the bank, or that which is deposited for the purpose of loans, the benefit to the community is manifest, and is attended with very few evils. Of these banks, some are public, consisting of a company of moneyed men, who, being duly incorporated according to the laws of the country where they are resident, agree to deposit a considerable fund or joint stock, to be employed in various ways for the use of the society; or they are private, being such as are set up by private persons or partnerships, who traffic, in the same way, upon their own single stock or credit. Of the public banks, the most ancient is that of Venice, which was established about 1176.

The Bank of England was established in the year 1694, and has become the greatest bank of circulation in the world. Its notes and bills in circulation being about $90,000,000, and its capital £14,000,000, equal to about $62,000,000. In addition to this public bank, there are about four hundred private banks, dispersed over every part of England, that do an immense amount of business. These private banks consist of an individual's carrying on business on his own account solely, or of partnerships, composed of two or more individuals, doing business under a firm, for their joint account. The private bankers of England are well known in every part of the commercial world, and enjoy the highest degree of confidence. By their integrity, punctuality, and prudent precaution, they obtain the management of vast sums of money both at home and abroad. For money deposited with them they generally allow a rate of interest, and with this money and their own funds, they discount loan money at higher rate of interest, and by this and other money transactions many of them acquire large fortunes.

There are two public banks in Edinburgh, the Bank of Scotland, which dates from 1695, and the Royal Bank established by the royal charter in 1727. There are also private banks in every considerable town in Scotland. The banks of Scotland have transacted their business upon a principle more accommodating than those of other countries. They receive small sums of money on deposit, and allow interest thereon upon very liberal conditions; and by opening "cash accounts" with merchants and allowing them to draw for money at their pleasure, to a limited extent, for which they take adequate security, and allow of repayments in any sums, charging interest on their advances and allowing the same rates of interest upon their repayments, to the time for settling the account. By means of these cash accounts, every merchant can, without imprudence, carry on a greater trade than he otherwise could do. The receiving small sums in deposit, and allowing interest thereon, combines some of the advantages resulting from savings banks. The Bank of Ireland, which was the first public bank in that island, was established in 1783.

No. 3. The first bank established by law within the United States subsequent to the commencement of the Revolution, was the Bank of North America, and for several years this was the only bank.

In the spring of the year 1781, in the midst of the struggle for independence, at a time when the finances were in a crisis almost desperate, when public credit was at an end, when no means were afforded adequate to the public expenses, when the money and credit of the United States were at so low an ebb that some members of the board of war declared that they had not the means of sending an express to the army, — on the 11th of May of that year, the superintendent of finance submitted to Congress a plan for establishing a national bank, for the United States of North America. By this plan it was, among other things, proposed that the subscribers to the bank should be incorporated, that the capital stock should consist of $400,000, in shares of four hundred dollars, payable in gold or silver, and that it might be increased by new subscriptions, at the pleasure of the directors: that the management of the affairs of the bank should be in the hands of twelve directors, to be chosen by the stockholders; and that the notes of the bank, payable on demand, should by law be made receivable in the payment of the duties and taxes, as specie.

On the 26th of May, 1781, Congress passed the following resolution concerning it: *Resolved*, That Congress do approve of the plan for establishing a national bank in these United States, submitted to their consideration by Mr. Robert Morris, the 11th of May, 1781, and that they will promote and support the same by such ways and means, from time to time, as may appear necessary for the institution, and consistent with the public good. That the subscribers to the said bank shall be incorporated, agreeably to the principles and terms of the plan, so soon as the subscription shall be filled, the directors and president chosen, and application for that purpose made to congress by the president and directors elected.

Resolved, That it be recommended to the several States, by proper laws for that purpose, to provide that no other bank or bankers shall be established or permitted within the said States, during the war.

Resolved, That the notes hereafter to be issued by the said banks, payable on demand, shall be received, in payment of all taxes, duties, and debts due or that may become due or payable to the United States.

Resolved, That Congress will recommend to the several legislatures to pass laws making it felony without benefit of clergy, for any person to counterfeit its notes, or to pass such notes knowing them to be counterfeit, also making it felony without benefit of the clergy, for any president, inspector, director, or servant of the bank, to convert to his own use, or in any other way to be guilty of fraud or embezzlement, as an officer or servant of the bank. Under these resolutions, a subscription was opened for the national bank, and was not confined to Pennsylvania, but extended to the citizens of other States. During the summer and autumn the subscriptions were filled. On the 31st of December, 1781, Congress passed an ordinance, creating the subscribers to the bank a corporation. In this ordinance the leading features of the plan originally proposed were prescribed, but the corporation was restricted from holding property above the value of ten millions of dollars. In the preamble to the ordinance it is declared, *that the exigencies of the United States render it indispensably necessary that such an ordinance should be immediately passed.*

On the 7th of January, 1782, the bank commenced its operations. Robert Morris, the superintendent of finances, is chiefly entitled to the merit of instituting the first bank in the United States. For *merit* we must call it, as we view the establishment of *this bank* and many others that followed it, in the state of the country which existed at the time of the establishment of them, as intimately connected with the prosperity and growth of the country; but the utility of this or of a few institutions of the kind, by no means justifies the monstrous extravagance to which banking has been and now is carried on in the United States. Such was the want of faith in this first banking institution, or of capital in the States, that in the autumn of the year 1781, of the one thousand shares proposed, two hundred had not been subscribed, and it was some time after the business of the bank was set on foot, that the sum received upon all the subscriptions put together, amounted to seventy thousand dollars. A sum no larger than, at this day, would be subscribed in almost any of the trading villages in Massachusetts for the establishment of a bank.

Under these circumstances the superintendent of finance subscribed above $250,000 dollars, for account of the United States.

Upon this fund principally, the operations of the institution were commenced. The bank was soon viewed as the source and as the support of credit, both private and public. In the beginning of the year 1782, the United States owed large sums of money. The requisitions of Congress upon the States for $8,000,000 for the expenses of the coming year, were not payable until the first day of April, and as late as the thirtieth of June only $80,000 was paid. By having recourse to the bank the superintendent of finance was enabled to get through his difficulties; and so much was he indebted to this institution for aid in sustaining the credit of the United States, that it was conceded that without the establishment of the national bank, the business of the department could not have been performed.

The State of Pennsylvania also derived great assistance from this institution. Notwithstanding the great utility of this institution during the war of the revolution, yet very soon after the peace, those prejudices and jealousies against all moneyed institutions which have always existed in the mass of every community that are watchful over their rights and liberties, were revived and excited against this. In addition to the charter granted to this institution by the congress of the old confederation, the legislature of the State of Pennsylvania had incorporated it under the laws of that State. In September, 1785, this last charter was repealed, but the bank continued to do business; and in 1787, the legislature revived its charter for fourteen years; and by subsequent laws it has been continued to this day, and is now doing business in Philadelphia, under the laws of the State of Pennsylvania, and subject to such limitations as are imposed upon similar institutions.

Its capital is now $800,000. Its dividends, for many years, from its first establishment, were at the rate of twelve per cent. per annum.

No. 4. The great evil resulting to a community by the substitution of a paper circulation for a metallic currency, have been so repeatedly experienced in Massachusetts, that it is only necessary to recur to our own history to warn us of the impending danger of our own system. The first paper money that obtained a general circulation in the colony of Massachusetts Bay, was what was called "bills of credit."

Previous to the issues of these bills, laws had been passed fixing certain prices at which divers articles of the production of the country should be received, in payment of taxes. This established the distinction between cash payments and payment in articles of merchandise. This last kind was called "rate pay" or sometimes "pay," while the other was called "money." The difference between the two was sometimes as much as fifty per cent. For example, a contract to pay one hundred and fifty pounds in *rate pay* might be fulfilled by the payment of one hundred pounds in specie. This occasioned great perplexity, and opened the door for much dishonesty. It was a temporizing measure; perhaps called for by the peculiar circumstances of the times, and sustained, after it had come to do more hurt than good.

In 1690, the government, having become involved in pecuniary difficulty, in consequence of the expensive and unfortunate expedition into Canada of that year, issued bills of various denominations from *5s.* to £5 each, to the amount of fifty thousand pounds, to pay the soldiers, seamen, and others employed in this service. The law authorizing this issue of paper put it upon the ground of the anticipation of taxes granted at the same time and to the same amount, for the redemption of these bills in one year. But this was not sufficient to prevent their depreciation in trade. They were at par for the payment of taxes, but for no other purpose whatever. Punctuality was observed by the government in the redemption of these bills until 1704, when the pressure of public expenses induced the postponement for two years at first, afterwards for a greater length of time, and at length for thirteen years, until the further postponement, was at last confined by royal instructions to the year 1741. The counterfeiting of these bills was at first punished by fine, imprisonment, mutilation, and other corporal inflictions; but in 1714, upon a second conviction the punishment was death; and in 1720, upon a first conviction the counterfeiter forfeited his life. These bills were made a tender in payment of debts, unless, by special contract, hard money was agreed to be paid. The effect of this upon established salaries, and other contracts made before the issuing of this paper, or before it had depreciated to any considerable degree, was to produce the greatest injustice. Various expedients were resorted to, in order that the credit of these bills might so far be sustained as to keep them in circulation. Bills of a *new tenor* were issued, nominally of a greater relative value than those in circulation, which afterwards were called bills of the *old tenor;* but they all slid down the same lapse of depreciation, as the probability of their redemption decreased. The popularity of these bills increased with the mischief which they created, and seemed to render all remedy hopeless. Such was the infatuation of the times, instead of imposing taxes, the government issued paper money, to be placed in the hands of trustees in each town, to be loaned on interest to individuals, and with the profits to provide the annual expenses of the government. They emitted £50,000 at first, afterwards twice as much more. Various banking projects were attempted, and among others a "land bank." The partners in the land bank pushed their operations to the greatest extent, until it became necessary for the mother country to interfere, when this bank was dissolved by act of parliament. The general court passed numerous laws to wind up their concerns, and to enable the holders of their obligations to get their pay out of the real estate of the partners. The government continued the issue of bills of credit from time to time, until the nominal value of the unredeemed bills of credit in 1748, was two millions two hundred thousand pounds sterling. The value of these bills when issued was about four hundred thousand pounds sterling, and the provision made for redeeming them was somewhat less than two hundred and fourteen thousand pounds sterling. The difference between these two last sums was gained by the province, in redeeming them at a lower rate, compared with specie, than they were when issued.

The sum of £183,649 2s. 7 1-2*d.* sterling was granted by the parliament of Great Britain, for reimbursing the expense of the province, in taking and securing the island of Cape Breton, whereupon the general court passed a law in 1748, for the redemption of the bills of credit, on the 31st of March, 1750. Those bills called old tenor were to be redeemed at the rate of one Spanish milled dollar for forty-five shillings of the bills, and the middle and new tenor at the rate of the Spanish milled dollar for eleven shillings and threepence of the bills. The standard value of silver was fixed at six shillings and eightpence per ounce, and Spanish milled dollars were to pass at six shillings, when their true value was four shillings and sixpence sterling, so that the old tenor bills were redeemed at one for ten, while the difference between what was called lawful money and old tenor, was as one to seven and a half. All persons were required to conform their books and accounts to this new standard of value, otherwise they could not be admitted in evidence in any court of justice. In addition to the sum received from Great Britain, a tax of seventy-five thousand pounds sterling was granted, payable in new tenor bills, at four shillings and threepence to the dollar.

The whole thing was happily executed, and a silver currency established in lieu of depreciated paper, which had been injuring the interest and corrupting the morals of the people for fifty or sixty years. The difficulty in effecting this important change in the currency arose from the friends of the paper system in the general court and elsewhere, who found their interest in the continuance of the system, and also from the power of habit among a people, who, by the use of this fluctuating medium, for more than half a century had become so reconciled to it as to dread a change.

It was owing to the fear of some of the members of the general court that the bill, for calling in this depreciated and depreciating paper currency, which at first was lost in the house of representatives, finally passed. But the people without doors preserved their prejudices in a great degree, in favor of the paper system. Even the alteration of the nominal value of the currency was held up as an object of odium; and when the silver money arrived from England, it rather occasioned gloom than joy. The operation of an act for one of the most important and righteous measures in society, was begun with doubts, murmurings, and even attempts at forcible resistance, instead of universal pleasure and applause.

It must have given the highest satisfaction to the promoters of the plan, that none of the forebodings of the disaffected were realized; but that the most essential interests of the country were greatly served, and the principles of commutative justice settled on a firm foundation, by the introduction of a stable currency. It is a memorable example of success, in the cause of probity and true patriotism, against the clamors of the discontented pretenders to these virtues, which ought always to animate honest men in the pursuit of their objects, when struggling against the bustle and intrigues of such mistaken or counterfeiting characters. Governor Shirley is entitled to the honor of contributing largely to the accomplishment of this great object. His firmness and perseverance were necessary to the attainment.

The depreciation of the province bills of credit will appear by the rate of exchange on England at different periods. To purchase a bill of exchange on England for one hundred pounds sterling, it required in bills of credit, in the year 1713, £150; in 1716, £175; in 1722, £270; in 1728, £340; in 1730, £380; and in 1748, £1,000.

No. 5. From the 31st of March, 1750, to the 22d of July, 1775, the people of Massachusetts enjoyed the benefit of a specie currency. At the last date, the continental congress ordered two millions of dollars to be issued in bills of credit for the defence of the country. The same expedient was resorted to by many of the particular States, so that the country was immediately flooded with paper bills of every denomination, and specie was banished from circulation. The sudden issue of large sums, and the financial distress of the government of the confederation, as well as of the several State governments, soon destroyed the credit of the bills, so that they generally ceased to circulate after the 21st of August, 1781. It continued to be used until its bulk, for the common purposes of trade, became cumbersome to the person. A year before it ceased circulating, it required sixty dollars to purchase a bushel of corn, and fifteen dollars to purchase a pound of butter, and much larger sums were afterwards necessary to procure the same articles. The necessity of the case may excuse the resort to such unequal and oppressive measures, to raise money by the government. It is now difficult to conceive how the war of the revolution could have been carried on to a successful termination, without a resort to this measure, so afflictive in its consequences. After the expiration of the first six years of the war, hard money again appeared, and has continued to be partially used up to the present time. The circulation of bank bills began soon after the stopping of the bills of credit of the revolution, but they very gradually, and at first very slowly, usurped the place of gold and silver.

In most of the smaller transactions of trade specie was in use, until about the year 1798, soon after which banks had become so multiplied, that their bills were in universal use.

These bills are now issued by more than four hundred corporations within the United States, each of which, as an aggregate body, is interested to preserve and to extend the circulation of their own bills. In addition to this interest of the corporations, each individual stockholder is also interested to promote the same object. The capital stock of these moneyed institutions is estimated at two hundred millions of dollars, and their circulation of paper at one hundred and twenty millions of dollars, while the whole specie circulation of the United States is estimated at only twenty-five millions of dollars. To this extravagance of the paper system, the attention of the people will now be directed. The victory over the "mammoth" bank, which wields her thirty-five millions of dollars in opposition and defiance of a government elected by the suffrages of a free people, is the presage of another triumph over the undue power and influence of the moneyed corporations, in restraining them within those just limits that will comport with the general interests of the whole community. When the people will it, *silver and gold* will take the place of mere *promises* to pay it when called for, and a paper circulation will obtain no further than the convenience of trade in its larger transactions may require.

No. 6. The oldest bank in Massachusetts, subsequent to the revolution, is the bank in Boston called the "Massachusetts Bank." This was incorporated in February, 1784, and soon afterwards commenced its operations. Its original capital was two hundred thousand dollars, upon which it began to operate; but by its charter the bank was allowed to hold real estate not exceeding fifty thousand pounds, and personal property not exceeding five hundred thousand pounds sterling. Soon after it commenced business its capital was augmented to four hundred thousand dollars, and subsequently to one million six hundred thousand dollars, but it has since been reduced to eight hundred thousand dollars. Its charter was unlimited in point of time; and when, some years afterwards, an attempt was made to establish another bank in Boston, this bank claimed, not only a perpetual extension, but also the exclusive right of carrying on the business of corporate banking within the Commonwealth. They denied the right of the legislature to grant, and they strenuously opposed the granting of a charter, with banking privileges, to any other body of men. For about eight years they enjoyed a complete monopoly of banking, and the stockholders, few in number and among the richest persons in Boston, realized a profit of more that twelve per cent. upon their stock, annually. But these great profits could no longer continue without competition, and in 1792, notwithstanding the high ground taken by the Massachusetts Bank, the general court incorporated the Union Bank, with a capital of one million two hundred thousand dollars — one third of which the State reserved the right of subscribing for. This bank was subjected to various rules and restrictions incorporated into its charter, resulting from the experience of the operations of the grant to the Massachusetts Bank. About the same time, the legislature, in contravention of the exorbitant claims of the Massachusetts Bank, passed a law regulating and defining the privileges and powers granted to them. By this additional act, they were prohibited from issuing any bill of a less denomination than five dollars, and the Union Bank was also restricted in a like manner. By another act, the Union Bank was authorized to hold a lien upon the stock of each individual stockholder, to the extent of any demand the bank might have against such stockholder, thus giving them the preference over other creditors, without a special pledge or transfer of the debtor's stock. This bank had, likewise, the privilege of establishing offices of discount and deposit in any of the towns of the Commonwealth; a very valuable privilege, if the stockholders had been allowed to enlarge their capital to the extent of the demand, but of no value to them with their limited capital, for all of which they could find full employment at their banking house in Boston. Until some time after this, private banking was not prohibited by the laws of Massachusetts; and in 1792, a number of gentlemen in Salem associated together, and established a private bank, which was called the Essex Bank, of which William Gray, then the principal merchant in the county of Essex, was chosen president. The bills of this private bank, with his signature, were received with the same confidence, and in Salem and its vicinity with greater confidence, by the generality of the people, than those issued by any incorporated company. This bank obtained an act of incorporation in June, 1799, and was finally dissolved, with almost a total loss to the stockholders, by the fraudulent conduct of two of its officers, but without any loss to the holders of its bills, which were paid in full when presented.

In 1795, the Nantucket and the Newburyport Banks were incorporated. In 1800, the Gloucester Bank, and soon afterwards many more, and from that time they have continued to increase until their number now amounts to one hundred and three, with a capital of $28,236,250, and circulation of $7,889,110. In 1824, the capital of the banks in

Massachusetts was $11,843,000, with a circulation of $3,785,491, showing an increase of capital in ten years, of 138 per cent. nearly; an increase of circulation of nearly 108 per cent.

No. 7. Within the county of Essex, there are twenty-two banks, whose capital is $4,250,000, or about one seventh part of the banking capital of the whole State.

Of these banks, eight are in Salem, with a capital of $1,850,000; three in Newburyport, with a capital of $800,000; two in Lynn; two in Marblehead; two in Danvers; one in Gloucester; one in Andover; one in Haverhill; one in Beverly; and one in Ipswich. Besides banks, there are many other corporations within the county of Essex, which may be classed under the general head of moneyed institutions; among these are eleven companies for carrying on the business of marine and fire insurance, with about $1,500,000, capital.

These companies are also authorized to insure upon lives in certain cases. There are also nine mutual fire insurance companies, each of which have, or ought to have, funds managed under the direction of the officers of the several corporations. There are eight toll bridges within the county.

The Newburyport and Salem Turnpikes may also be considered as belonging to the county, although partly located in two other counties. The Essex Turnpike is wholly within the county. Then there are the numerous manufacturing corporations; who not only manage large sums of money, but large masses of human beings, whose physical, moral, and intellectual destinies are subject to the control and direction of these corporate bodies, without souls themselves, but not without monstrous influence over the souls of others.

The whole valuation of the *personal* estate of the county of Essex, does not much exceed twelve millions of dollars, and between one half and two thirds of this amount is wrapped up in private corporations. The influence that has been brought to bear upon the elections of the last year by the United States Bank, should awaken a jealousy of a slumbering people. Whenever the chains are riveted upon us, it will be but a slight consolation to reflect, they are made of gold. One of our senators has taught us, that property must govern. If this be true, and we cannot avoid it, let it be in the hands, and under the immediate management of the individuals who call it theirs; many of these may have souls sufficiently expanded to use their property so as to promote the great end of society, the greatest good of the greatest number. Incorporated wealth knows not the restraints that sit upon the consciences of individuals.

If any one is desirous of knowing more of the abuses of power by private corporations, than he can learn from the short history of our own country, let him study the history of the great trading companies of Europe, and particularly those of England.

In the year 1837, when the country was seeing the fulfilment of a prediction made by Mr. Rantoul, two years before, that there would be a general suspension of specie payments by the banks at this time, and consequently great distress in the community from the speculating mania which excessive issues of paper money had created, he said, in the Gloucester Democrat of June thirteenth: —

The difficulties into which our late banking system has led us are doubtless regretted by all good citizens. And no one regrets more than we, that party politics have been allowed to mingle so largely in the discussions of the subject. In a common calamity like the present, party biases should have been forgotten and annulled, and every one should have put his shoulder to the wheel; restored confidence first, and at a proper time thrown off the incubus upon honest industry and sound, healthy prosperity, and place our financial affairs on a surer and firmer footing. But it could not be expected that the supporters of the administration would stand in silence and see it falsely charged as the author of the trouble. It could not, for a moment, be expected that they would submit to the degrading and contemptuous epithets lavished upon them by reckless and abandoned men, without rebuking them with manly indignation, especially when the administration was clearly in the right. It is quite natural, we know, for the party whose policy has been to multiply banks, and substitute paper for the better constitutional currency, to attempt to throw off the responsibility of their imprudent and disastrous policy on the administration, but a discriminating and enlightened public will not fail to understand and appreciate the imposition. As to ourselves, we go against a system, whether of State or national chartered banking, which has been proved and *failed;* we go for any system, come from whom it may, or from what quarter it may, which will carry us through the periodical revulsions with the least injury, — a system which, in prosperity, will not foster and engender speculation and overtrading; but, when the reaction comes, will be able to extend a helping hand to the public. *Banks should be for discount and deposit only, and not for circulation.*

In the Democrat of July 11th, the same year, he said: —

If it is thought necessary to continue the banks, in order to avoid the shock of suddenly winding them up, they should be continued subject to the action of the legislature hereafter, and their complete subordination to the State should be distinctly expressed in their new lease of existence, to prevent all cavil hereafter.

The condition of their renewal should be an *immediate* redemption of their bills under five dollars, and a *speedy* entire redemption should be fixed, and no apology received for the non-fulfilment, by any bank, of this stipulation.

After the resumption, a gradual suspension of the small bills must be commenced, and carried through with inflexible determination. Small bills and specie payments cannot long exist together. All experience demonstrates this truth. We should begin with ones, twos, and threes, and then we may hope to see half dollars plenty again.

But it will not do to stop at fives; if we do we shall never have a gold currency, the currency of England and of France, and the soundest currency existing, possible, in the world. Fives will always banish half eagles, tens will always banish eagles, from circulation. We must go as far as to suppress all bills under twenty dollars, or we shall never possess a permanent specie basis for circulation. In England, it is found that sovereigns and pound notes cannot circulate together; there they have suppressed notes under five pounds, and the consequence is, they have a currency one half specie, and one half paper.

In France, they have no bank notes under five hundred francs, consequently they have a currency of nine tenths specie, and only one tenth paper, and fluctuating very slightly, compared to the tornadoes in the English, and still more terribly in the American money markets.

The suppression of bills under twenty dollars is indispensable to our security. If sustained by the general government, and by the coöperation of other States, we might then go as high as fifty, and ultimately to a hundred. We should then have a currency steady as that of France, instead of that currency which Mr. Webster once described as representing "nothing but broken promises, bad faith, bankrupt corporations, cheated creditors, and a ruined people."

SPEECH AT SALEM.*

After the resolutions moved by Mr. Wheatland had been read from the chair, Mr. Rantoul was repeatedly called for, from different parts of the meeting. He rose and said: —

That it had been suggested to him, that it was wished he should address the meeting, and on that suggestion he had intended to say a few words, — but that he would have preferred first to have heard others advance their views. Being called on, however, and having no disposition to conceal or keep back his opinions or feeling, he would come forward, though with some reluctance, now. This meeting was not limited to the citizens of Salem merely, but was one of the friends of the administration, of whom he was one. He was born and brought up in this revenue district, — had lived in Salem, — and stood here now to speak the sentiments of three fourths of the population of a town second only to Salem in this county, and having fifteen or sixteen hundred voters. After the subject-matter of this evening's resolutions had been the topic of an animated discussion among the leading members of both parties in both houses of congress for four months past, it was not to be expected that any new light should be shed upon it, or that any novel or peculiar views should be presented. Yet, said Mr. Rantoul, I will not resist this flattering invitation, but will go on to express my sentiments fairly and fully, on the most momentous question that has ever been presented to the American people. For, when the liberties of a whole people are in danger, — nay more, when the purity and durability of republican institutions are at stake, — when the very existence of all the freedom that survives in this much-governed and misgoverned world depends on the issue, I hold it to be every man's duty to make his voice heard, like a trumpet note of alarm, wherever and whenever God shall give him opportunity to excite one faint heart, or arouse one careless and unconcerned spectator. And I trust I may be pardoned when I step forward, not to court applause, but to incur odium, — not to acquire favor or popularity, but to insure hatred and opposition, — to advocate what I believe to be a just cause, against those who tell us that we are few and they are many, that we are weak and they are strong, — that they are intelligent, respectable, — have all the wealth, and all the talents, and all the decency, and are made out of the porcelain clay of the earth, — and that we are ignorant, a rabble, mechanical, base, no gentlemen, incapable of governing ourselves, but created to be trampled on, — when I step forward not to do the bidding of those who are powerful here, and who rule this town and this Commonwealth, but to beard the lion in his den, the old federal bank in its stronghold of power, here, in the heart of old federal Essex.

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* Delivered at an anti-bank meeting, March 31, 1834.

Sir, what are the charges brought against the present democratic administration by the stockholders of the United States Bank, and their connections and dependents, or, to borrow a little opposition politeness, by those who wear the golden collar of Nicholas Biddle?

They are, that it has commenced an unjust warfare against an innocent and unoffending corporation. That to carry on this warfare it has resorted to arbitrary and unconstitutional measures. That by these measures it has brought deep and universal distress on the community, and endangered a general bankruptcy.

It is this last charge that has given weight and currency to the former. A national bank is not such a favorite with the nation, that they would enlist in its service against an administration of their own choice, neither could any one be made to believe that the measures taken against it are unconstitutional, unless it can first be shown that those measures are the cause of great distress to the nation. It is upon the extent and severity of the pressure, therefore, and its being attributed exclusively to the action of the government, that the party whose great leader prayed for war, pestilence, and famine, rather than a democratic administration, must chiefly rely. Let us first examine, then, this charge, the forlorn hope of the so often routed consolidationists, and inquire what is the extent and what are the causes of the present distress.

What are we to think when we hear respectable gentlemen asserting that the present is a period of unprecedented distress? Must we not conclude that they are beside themselves? In the time of the American revolution, there was distress in every form, pervading all classes, real and serious distress, so that nobody doubted its existence. A part of it grew, too, as the present troubles have partly grown, out of excessive issues of paper money; but setting aside the loss of life, the pecuniary suffering alone was vastly, incomparably greater, if we consider their limited means, to those engaged in that contest, than any distress felt at the present day, — yet our fathers endured it all cheerfully, and went through it all manfully, because it was the price of their liberty and independence; and we, I trust, shall go through this much lighter trial, like children not degenerate of those who defied British gold and British arms, for the same great end, to secure our liberties from the power of gold in the hands of a tremendous corporation striving to perpetuate its monopoly, and to prostrate whatever is capable of offering any opposition to its purposes. In later times we have undergone an embargo, which fell with a crushing weight upon our commerce. The blasted hopes, the broken hearts, the failures, the suicides, the gloom and despondency that settled upon New England, almost all who hear me remember well. That was a period of real distress. People were not obliged to argue and declaim, and to convince one another by forced inferences that they were distressed. It was not told in every place, — you are well off here, — but in such a city or such a town there is scarcely a solvent house left. People were not obliged to invent tales of woe, such as that many hundred laborers were destitute of employment, in places where in fact laborers could not be found so fast as they were wanted; neither did prophets of evil cry aloud in the streets, destruction! destruction! and then go home to laugh in their sleeves at their own clamor. Then the distress was felt because it was real, — yet, bad as times were, that crisis was only a pause in the rapid march of the country to greatness; there is no reason, therefore, to apprehend that our prosperity is at an end forever, because we experience inconveniences which, compared to the calamities of those days, are but as dust in the balance.

After the embargo came the war; and who that remembers the sacrifice of property during the war, will not pronounce the present to be very good times in the comparison. That whole period was one of trial, — from the disastrous commencement down to the glorious consummation, in that crowning victory the brightest in our annals, when he who is now scattering dismay among the invaders of our rights turned back the columns of foreign foes. The country went through the pressure of the war, and came out of it and flourished after it, as it will live through the present pressure and flourish more than ever, in a few short months, when it shall have passed away.

But the three periods of calamity and suffering I have mentioned, grew, it is true, out of circumstances in the foreign relations of the country, and were not similar in their causes to the present. They are introduced, only with reference to their extent, to show that distress, compared with which all that is now felt is but a trifle not worthy to be mentioned, has passed over this country from Maine to Georgia, repeatedly, without sensibly impairing our resources; and that since the country has recovered from such severe shocks so suddenly and so completely that in a few years they seem to be almost forgotten, it is not to be apprehended that the difficulty which persons of indifferent credit find in obtaining loans, or that the slight advance in price which those of good credit are occasionally obliged to pay for such accommodations, furnishes any ground to fear that mutual confidence is about to be destroyed, or that commerce is about to be annihilated, much less that any other great interest is in the slightest danger of immediate injury.

Since the war, what has been our history? Has the uninterrupted peace of almost twenty years been a period of uninterrupted prosperity, as a stranger would suppose from the declamations of our orators? Very far from it. It is true that since the present administration came into power, until within a few months, every branch of business has been successfully pursued; all the foreign and all the domestic concerns of the nation have been conducted so as to promote the general welfare, and for the last four years, no reasonable complaint has been heard from any class or interest. But at no other moment since the peace, under no other administration, could it be said with truth that four years had passed without distress, great and palpable distress, much greater than has been felt since the United States Bank began its tremendous system of operations to embarrass and to convulse the commercial community. In 1817, the bank began to issue, — in 1818 and 1819, the crisis came on. The fall in prices was dreadful, — a long and heavy harvest of failures followed. In the western country the paper money depreciated and finally became worthless. There was a long catalogue of broken banks, and a catalogue without end of broken merchants. So impossible was it that debtors could discharge their honest debts that stop laws and relief laws were enacted, — attempts were made to render worthless rags a legal tender, and the whole credit system was converted into a perfect chaos. The bank did not undertake to regulate the currency, as we are told it infallibly will in such cases, but closed its western offices and left the currency to regulate itself. In 1820, the manufacturers came before congress and represented that inevitable ruin would be their lot without an exception unless higher duties were imposed for their protection. The request was not granted, but business of all kinds recovered a little immediately upon the refusal. After an interval of less than three years, in 1822, another revulsion took place. More than one hundred and sixty failures occurred in Boston, in a very short space of time, most of them of houses supposed to be firm. Similar disasters happened in other cities, and the distress, as every one who hears me knows, or if he does not know, may ascertain by turning to a file of papers of that date for facts not for declamations, was beyond all comparison greater than at any time for the last six months.

In 1825, there was a general prostration of credit all over the world. It passed over England like a tornado, and swept before it the long and established houses, the prudent and the cautious, as well as rash speculators, involving all in a common calamity. In this country its effects, though not so terrible as on the other side of the Atlantic were sufficiently appalling not to be confounded with such a derangement of the ordinary course of business as we all hear so much about of late, while so few of us feel it.

In 1828, a crisis came again, not so severe as that of 1825, but bad enough to serve for a contrast to the present. In 1828, the manufacturers, as a body, failed. It was much easier to tell who had survived the shock than to enumerate all that had fallen. A tariff was passed to save them, and they failed the faster after it was passed, besides the commercial failures which followed, not of people who had been insolvent for years, but of those who a year before were worth their tens of thousands, not to say their hundreds of thousands of dollars, and who had managed their business with ability and prudence. During most of the year 1829, the pressure continued till factory stock could hardly be given away, and shares which cost a thousand dollars in some cases were sold for a five dollar bill, and in others would not bring that price.

In every one of these revulsions prices experienced a ruinous decline, property was sacrificed, trade stagnated, every class suffered. Banks failed, — borrowers were ruined, because they could no longer borrow, — money letters were ruined, because those who had borrowed could not pay, — custom house bonds were forfeited, — produce rotted upon the producer's hands, for none could buy. How is it now? Prices of our own products have not fallen so much, as money, from the diminished amount in circulation, has risen in value. The same is true of labor, — the same is true of rents. Trade has gone on without a single day's suspension. The arrivals for the last three months at Boston were more numerous than for the same time last year. The custom house bonds are all paid punctually. Very few banks have failed, and those have not made bad failures. Instead of every class and every interest suffering, as at every former revulsion, the agricultural class, the largest in the country, has been growing rich, receiving nominal prices higher than the average, and the same amount of money being worth more to them after they received it. Flour indeed has been very low, — but it must not be forgotten that it has been lower in the western markets even as lately as 1830, and when there was no pressure. The most important interest in the nation, that of labor, has been as well off as ever, in demand, at high prices. Money letters, instead of failing by scores, have been gathering a golden harvest from the demand, though money borrowers whose credit was based on capital, have obtained sufficient accommodations at the expense of a slight advance in the rate of interest, — one half of the money now on loan in the State of Massachusetts standing at or under six per cent., and for the greater part of the remaining half not exceeding seven per cent. In the face of these facts, and, whatever anonymous writers may say in the newspapers, where is the responsible man that dares to deny them? In the face of these facts, who shall tell me that the present is a period of unprecedented distress, — that the country is going through a crisis such as it never before experienced? At the very point where the pressure was greatest, at a time when the pressure had nearly reached its greatest height, in the city of New York, in the middle of January, $2,665,000 deposits of individuals, were lying idle in three banks alone of that city, while the incendiary papers of the commercial emporium were daily representing to their readers that money could not be had on any terms, and with the best security! Sir, I ask any man who observes and has a memory, I do not mean that very common kind of memory which forgets whatever it is not convenient to remember, the political memory, but any man of fair impartial memory, whether he does not know from his own recollection, that of the five periods of revulsion since the peace, the present is by far the least calamitous. It does not need an argument, — everybody knows it. I do not believe there is a man in this hall who can seriously say that he doubts it.

But though no such distress has existed, as the panic makers have predicted and even described, there has undoubtedly been a pressure, sufficient to try people's patience in the cities and towns, though scarcely felt at all in the country. There has been a scarcity of money, inconvenient and in some instances highly injurious, though it has caused fewer bankruptcies of persons really solvent before than any previous crisis of the sort. Though the great majority of the mercantile community have been unharmed, still it is worth inquiry, what have been the causes of the evil, in order that we may know how to avoid them in future.

The first and greatest cause of the pressure was, no doubt, overtrading. There are fluctuations in the business of every country, almost as regular as the tides of the sea. They recur once in three or four years, and grow out of the nature of business and the nature of man. The pressure is the cause of the prosperity which follows it, and that prosperity is the cause of the subsequent pressure, — the one grows out of the other. While a period of pressure lasts, less business is done than the average wants of the community require. No stock accumulates in the hands of merchants, but as consumption still goes on, the stock they have on hand is gradually worked off, till by and by the demand exceeds the supply. After numerous failures have broken up all those whose business was in an unsound state, and of those engaged in large transactions, left standing only such as had solid capital to trade upon, those who survive the shock, of course, are ready to take advantage of the favorable state of things which follow. To supply the extra demand, business must be brisk and prices will rise. Merchants will launch, with ardor, into the reviving commerce which offers a field for enterprise, gradually enlarging their operations as their means enlarge and their success emboldens them, venturing to the verge of prudence. The numbers who rush into eager competition with each other, overstock the markets; the supply exceeds the demand, and, consequently, prices fall, and from the reaction, fall lower than there is any real necessity for. These alterations are natural — always have happened, and always will happen — but there is another agent influencing the operations of commerce, stimulating their expansion and heightening the subsequent reaction, and that is paper money. When business first becomes brisk, confidence returns again, loans are easily obtained, and vast quantities of paper being issued, the circulating medium is enlarged in quantity, and necessarily diminished in value. Money being of less value, the nominal prices of all other articles rise; every holder of goods supposes he is growing rich by their increase of value in his hands, and strains his credit to the utmost limit to take advantage of the rising market. This artificial and fictitious creation of imaginary wealth, merely by a depreciation of the currency, deceives many and forces all into overtrading; but the moment the demand for goods begins to slacken, the error is discovered, — holders of goods hasten to get rid of them before the fall is ruinous, and in their competition undersell each other, and run prices down faster and lower than they ought to go. The reaction once begun, confidence ceases, — the banks contract their issues, — money rises in value, and of course the nominal price of every article falls proportionately, from this cause also. It is this circumstance that makes the revulsions in business, which, without it, would be gradual, so sudden and so terrible. During the general war in Europe, the bills of the Bank of England had fallen 30 per cent. below gold; of course all nominal prices were 30 per cent. higher than the real values. In the crisis which followed the peace, ninety-two banks failed, the rest contracted their issues till paper rose to a par value with gold, and the Bank of England resumed specie payment. After this change every man's estate, even if he met no losses, was rated at least 30 per cent. less than before. Yet the disasters of that gloomy period did not prevent another flood of paper money, — another rush into speculations of all sorts, till the commerce of the world was more overdone than it ever had been before, and the crash of 1825 ensued, of which this country felt its share. In 1828, the manufacturing of the United States was overdone. The tariff of that year did not prevent the reaction from accomplishing its work thoroughly, — the ruin did not stop till the business was entirely prostrated. For the last four years the present crisis has been coming on. A healthy commerce has been expanding itself wonderfully. The wise conduct of the administration has contributed to make this expansion safer than it would otherwise have been, and to delay and diminish the reaction. It has done this by opening new avenues to commerce, by giving it increased facilities and security, by bringing capital into the country in the shape of indemnity for foreign spoliations. The free admission of goods which formerly paid high duties, has also enlarged our trade.

But there has been an unhealthy growth from too great a stimulus; the excessive issues of bank paper. In the year 1831, the Bank of the United States extended its loans more than twenty millions of dollars, being an advance of about 50 per cent. upon its accommodations in a single year. Nor did it stop there. It continued to extend until May, 1832, when it reached its highest point, $70,428,000, having increased more than seven millions in the first five months of 1832. This immense addition to the circulating medium, and to the means of trade, itself sufficient to induce overtrading, is not all the effect the bank has had in stimulating speculations. Its extensions have caused other banks to extend, and all the stimulus that bank facilities could give to business seems to have been administered all over the country. No wonder, then, that there should be overtrading. The wonder is, that it has not produced a still greater reaction. The fact that the overtrading has been great, is not an inference gathered from these general reasonings, but appears upon the government returns. In 1830, the imports amounted to $70,000,000. In 1831 and 1832, they averaged $102,000,000. In 1833, they had risen to the enormous sum of $109,000,000, making an excess of more than one hundred millions of dollars in three years, above what the importations would have been if they had not exceeded the standard of the year 1830. With the fact before us of the regular revulsions in trade after intervals of about three years ever since the peace, — with the fact of the rapid increase of trade during the last interval of four years, he who can believe that the late revulsion was caused by withholding the deposits from the mammoth bank, would as readily, and with as much reason, suppose that the ebb and flow of the tides in the ocean was occasioned by his taking out or putting in a bucket of water.

Though the general fluctuation, however, is certainly one of the causes, yet it is by no means the only cause of the present pressure. In this case other circumstances have concurred to aggravate it. By the act of the 14th of July, 1832, the duties on woollens were to be paid in cash, and those on other goods, in three and six months instead of the long credits, that, down to that time, had been allowed. In consequence of this act, the duties falling due in 1833, were $28,500,000, while those of 1834, are estimated at $15,000,000 only, making an excess for 1833 of $13,500,000. A large amount of duties becoming due in the great cities, in the latter part of 1833 and first part of 1834, (in New York, three and a half millions were paid in one week,) would of course create a great demand for money and increase the scarcity.

But a more effective cause of the present distress is to be found in the curtailments of the Bank of the United States. Having extended to the utmost, till it had brought vast numbers within its grasp, it then suddenly contracts, and calls for payment at the moment when it knows that the call will be most embarrassing. From the middle of August last, the western branches had orders to purchase no bills but those having not more than ninety days to run, and payable in the Atlantic cities. While thus concentrating upon the cities as heavy demands as possible, it reduced its accommodations in those cities at a rapid rate. Its aggregate of debts due to it in May, 1832, was $70,428,000. This it has brought down to about $54,000,000. From August 1st, to October 1st, their curtailments were $4,166,000, while the public deposits in their vaults increased $1,582,000, making a diminution of the accommodations of the public, of almost six millions in two months, and before the deposits were removed. From August 1st to December 1st, the curtailments amounted to $9,600,000, while the deposits during the same time were decreased only $2,437,000. A curtailment for four months at the monthly rate of $2,400,000, about equal to the difference between the deposits on hand on the 1st of August, and those of the 1st of December. In Boston, the curtailment amounted, in six months, to $4,200,000, and in January alone it was $700,000. This of course forced the State banks, in self-defence, to curtail still more, when they had every disposition to enlarge their discounts and relieve the money market.

That this curtailment was one great cause of the pressure, is evident enough without argument; but what shows it in a striking manner is the relief felt in the great cities immediately on the removal of the deposits. The discounts by the deposite banks, though not equal to the immense curtailments of the United States Bank, were sufficient to be of essential benefit. This was felt and admitted everywhere, by friends and enemies of the removal. Even the Boston Courier, while condemning the measure in the severest terms, informed its readers of the beneficial results that had been realized, and innumerable other testimonies equally unexceptionable, might be adduced, if it were necessary.

But overtrading at the rate of thirty-three millions a year, the payment of two years' duties in less than one year under Mr. Clay's bill, a curtailment by the mammoth bank, as rapid as the fear of breaking its customers and so losing its loans would allow it to be, a forced curtailment of equal extent by all other banks, — all these powerful causes of distress combined, and brought to operate with their full force, particularly upon the State and city of New York, the centre of the commercial operations of the nation, were not enough, because the orators of war, pestilence, and famine, held in their hands one other scourge which they could inflict upon a suffering people. That scourge was panic. And if a host of demons had been let loose in human shape, to work all woe and harm that the malice of fiends could suggest to them, they could not have labored more indefatigably in their infernal mission, than have the panic-makers in the congress of this republic. These men devoted all their vast talents to the perpetration of evil, and it would be doing them injustice not to admit that in some degree they succeeded. They would have succeeded to a much greater degree, no doubt, if the nation had not known them, for some years past, to be "prophets of woe forever boding ill;" and if a great majority of the people had not recollected that ever since the national republican party had been organized, the predictions of its leaders had generally, with the utmost regularity, been falsified by the event. They predicted, in 1828, that Mr. Adams would be reëlected, consequently he was left in a small minority, — they predicted, in 1832, that Clay would be chosen, and the democracy triumphed by a more decided majority than ever, — they predicted that the president would favor nullification, and of course he suppressed it, — they predicted that he would not dare to veto the Bank Bill, of course he vetoed it. Whenever their barometers foretold a storm, the political atmosphere always cleared up brighter than ever, — their facts were wind, and their speculations vanity. When they began to cry wolf, therefore, there were not so many alarmed as would have been if the alarmists had never been known to cry wolf before. When they began to cry loudest, that times would continue to grow worse, people of good memories naturally concluded they would soon grow better, — and the course affairs are now taking, seems to justify the correctness of this conclusion. The panic, however, when first started, had its effect. If a man should cry fire, or murder, in the streets, he might excite a panic, but that panic would have no direct tendency to produce a fire or murder; but if a man cries out that a merchant, or a bank, is likely to fail, this prediction tends directly to produce the catastrophe foretold. At the very opening of the present session of congress, a fierce attack upon commercial credit and on the confidence of the public in their moneyed institutions, was begun, and has been kept up without intermission for almost four months. The first speeches in congress increased the pressure very perceptibly; those of Clay and McDuffie, cost the nation millions of dollars. While the leaders, at Washington, sounded the trumpet to cheer them on, organized bands of incendiaries in every part of the country carried on their systematic efforts to destroy that confidence which is the life of credit. They reported failures which never happened, — they exaggerated all that did happen, — they pretended to doubt the credit of the deposit banks, — they concerted runs upon the safety fund banks in New York, — and circulated fabricated accounts of numerous failures of banks in the South and West. Nor did they confine themselves to the invention of imaginary distresses, and the exaggeration of what really existed. They assured their dupes that all the misery, horrible as it was in their description, was light, compared with what was soon to follow. And if the people generally had not been too wise to believe them, their predictions would all have been realized. Their prophesies would have caused, for it was their natural tendency to cause, the whole aggregate of evil which they foretold. And what sort of a situation they would then have brought the country to, any one may see by reading their speeches; wherein they portray and faithfully portray, the ruin they expect to come on all, and which must have grown out of such a panic as such predictions would have produced, if the people had not lost all confidence in the authors of those predictions.

I have shown, Sir, that there have been four principal causes coöperating to produce the pressure that has been felt for the last six or seven months. Overtrading, occasioned, in a great degree, by the excessive loans of the Bank of the United States, — the cash payments, and the short credits under Henry Clay's Bill, — the rapid curtailments by the Bank of the United States, when the two former causes had begun to operate; and immediately after, the panic, got up by the friends of the bank, and for the special benefit of the bank. So far as these causes go, the bank, and the bank party, are responsible to the country for all the distress, except the slight reaction which would have taken place, after three or four years of uninterrupted, unexampled prosperity, even if we had employed a metallic currency. But when I examine these causes, and consider their magnitude, I am astonished that the distress has not been greater. It becomes an interesting subject of inquiry, why there has been no more distress; a question at least as difficult to answer, as why there has been so much. And in endeavoring to discover a satisfactory solution of this question, I find it to be intimately connected with another, — what effect was produced by the removal of the deposits?

It saved the nation from ruin. For if, in 1822 and 1825, there were such harvests of failures, when the reaction had had less than three years to gather force, — if, in 1819, the reaction was so tremendous, that it not only broke the western banks, but brought the Bank of the United States to the brink of bankruptcy, — so near that its president, Mr. Cheeves, himself declared that "all the resources of the bank would not have sustained it in this course and mode of business another month. Such was the prostrate state of the bank of the nation, which had only twenty-seven months commenced business, with an untrammelled capital of twenty-eight millions of dollars." If, in 1828 and 1829, the Atlantic coasts were swept by a revulsion which laid every thing prostrate, when the bank, in the full possession of its vigor, exerted all its boasted power to save, and could give no relief, what might not be expected to happen in 1834, after a longer interval of prosperity, which would naturally produce a greater reaction, — after a greater and more sudden expansion of bank credits than had ever before been known, — and when the present author of this expansion, the mammoth bank, which had increased its loans about fifty per cent. in one year, was pressing all within its grasp, and doing all in its power to crush the whole credit system of the country, and the whole mercantile community into utter ruin? "To call in this loan at the rate of eight millions a year," said Mr. Webster, in his speech on the veto in July, 1832, "is an operation which, however wisely conducted, cannot but inflict a blow on the community of tremendous force, and frightful consequences. The thing cannot be done without distress, bankruptcy, and ruin to many." The bank is calling in its loans, not at the rate of eight millions, but at the rate of about thirty millions of dollars per annum, — not in a period of prosperity like the year 1832, but just on the eve and during the stress of a periodical revulsion of commerce, — not by an operation wisely conducted, but in a manner calculated to create the greatest possible embarrassment. Have we not a right, then, to expect that the blow would be one "of tremendous force and frightful consequences?" In 1830, Nicholas Biddle testified before the finance committee of the senate that "there are very few banks which might not have been destroyed by an exertion of the power of the bank." The bank has set itself in direct hostility to the banks created by the States. It has put forth the most strenuous exertion of its power to destroy them. Might we not expect, then, to have failed with very few exceptions, instead of standing almost without exception? With a curtailment tenfold more fearful, when we look at its amount, time, and manner together, than that from which Mr. Webster predicted such frightful consequences, with a power which boasts that it can break all the banks in the country, exerting itself to the utmost to break them, with the extra payments of fourteen millions under Clay's bill, and with all the panic which all the party which claims a monopoly of talent, as well as of all other distinctions, could create, even when hesitating at no means that could heighten alarm, — with these concurrent circumstances to increase the regular pressure which the natural cause of business must, at this time, bring with it, was it not to be expected that the present crisis should be by far the most terrible that has ever afflicted the country? And why has it not been?

No doubt the business of the country was in a sounder state than it had been at any former period. Such had been the wisdom with which the foreign affairs of the nation, the legitimate sphere of the federal government, had been managed, so many benefits had been conferred on commerce, accustomed long to receive injuries rather than favors, that the trade of the last four years had been profitable, and the country was better prepared to sustain a heavy shock than at any previous period since the peace. This is the reason why distress was so long in coming, and goes far towards accounting for its mitigated form, but it does not account for all. The removal of the deposits saved the country from ruin. I repeat it, — and the declaration rests on facts within every man's recollection. The discounts by the deposit banks afforded immediate relief in all the great cities in the first part of October. The relief was what was essentially wanted at that time, and it continued, though not quite so complete, as for the first week or two, till the opening of congress, and till the professional panic makers had time to make their unprincipled attacks on public confidence and public credit. In such a case time is every thing. Every man being anxious to discharge his debts, and knowing that the pressure might soon return in full force, accounts were liquidated to a vast amount, and balances struck and settled in great numbers in the few weeks that intervened. In such times, a few thousand dollars passing from hand to hand facilitate the settlement of hundreds of thousands in a few days. In New York, in Boston, in Baltimore, in the other cities, this breathing time allowed them to recover a little, and to make their arrangements to meet the return of the crisis. The bank had boasted, by its president, that it could break the State banks. It would have done this by demanding the specie for its balances against them, and by refusing to receive, as it has done in some instances, the illegal drafts issued by its own branches. The celebrated transfer drafts, by which the only literal removal of the deposits that has taken place was effected, prevented the boast from being realized. These drafts were placed in the hands of certain deposit banks, to be used only in case the Bank of the United States should demand specie for balances against them, or refuse to take branch drafts of them. The occasion for their use occurred in a few instances, and the efficient remedy was promptly applied, by presenting these transfer drafts, and removing a portion of the deposits from the vaults of the branch committing the aggression, to those of the deposit bank on which the attack was made. Of course this species of hostility was soon abandoned; but the attempt shows what system would have been adopted for the prostration of the State banks, had not the energy of the treasury department repressed it at the outset. Thus the accommodations which the change of the place of deposits enabled the banks receiving them to extend to the merchants prevented individual failures, while the absolute removal of a small amount of the deposits, by the transfer drafts, with the more potent apprehension of others that might follow, prevented the State banks from falling victims to the wrath of an incensed and soulless corporation.

What would have happened if the deposits had not been removed? The curtailments of the bank would have wrought out its full effect. There would have been no pause, no stay in the progress of the pressure, — no change except from bad to worse. It has been contended that the cash duties increase the pressure but little, because the amount paid is immediately loaned out again, and often to the same individual who pays it. But had the deposits never been withdrawn, this would not have been so. Those sums would have been abstracted from the use of the community. Those millions would have followed the millions that have gone before them, to that bourne from which it seems few travellers return, — the vaults of the mammoth bank, to be locked in its inexorable grasp, instead of issuing, as they now do, from the counters of the deposit banks, to relieve embarrassment and avert ruin. In the eastern fable, it was the last ounce that broke the back of the camel. Had credit been doomed to bear the additional burdens from which the removal of the deposits relieved it, it might have sunk under the intolerable pressure. The fierce and unremitted assaults on credit and confidence, by the incendiary panic makers at Washington, their collar men through the country, and the hireling stipendiaries of the bank, might have prevailed. The concerted and simultaneous attacks made from all quarters on the city and State of New York, might have effected a dismal success. And if the New York banks, whose failure seems to have been contemplated with such a fiend-like exultation, had been crushed, who can say that any other banks, dependent as all are upon each other, would have survived? Desolation would have spread over the land, and human sagacity can hardly fix the limits which it might not have exceeded. Paralyze New York, the centre of our commercial operations, — let the heart of our commercial system cease to beat, — it can no longer impel the vital current through the arteries, and a palsy like the stroke of death will pass to the furthest extremities. If the deposits had not been removed, and if the predictions of the coalition prophets had not been disbelieved, it is difficult to see how these consequences could have failed to follow. The masterly measure of the secretary stopped for a while the increase of the pressure, till men could prepare for it, and till funds, favored by the low rate of exchange, could flow into the country, — and as for the prophets, their prophetical character was so well known that very few thought of believing them.

It is said, however, for dates are easily forgotten, and party spirit will make men swallow any absurdity, that it was the removal of the deposits which forced the bank to curtail, and was the cause of all the mischief. How could the removal of the deposits in October, force the bank to curtail in the August previous ?

The friends of the bank pretended to believe that the deposits would not be withdrawn down to the very moment when the order was issued. Even Mr. Duane, who was appointed on purpose to remove them, asserted that he did not understand that that measure had been decided on, until he was explicitly informed of the fact some time after the bank begun to curtail. It could not be, then, that the expectation of the removal furnished any excuse for commencing the pressure. Neither is this excuse alleged by the bank ; they would rather have us believe, that the curtailment was the effect of the natural course of their business, which in the fall of the year usually diminishes the aggregate of their loans. Strange and incredible, it would seem, that, according to their own account of the matter, the principal bank should have issued orders to the southern and western branches to restrict their business and curtail their discounts, in January, 1832, and that notwithstanding every effort made at curtailment by those branches, on which it was strenuously urged, the aggregate debt of the bank in the valley of the Mississippi should have increased 10,346,824 dollars, from October, 1831, to May, 1832, a period of great prosperity, and yet that its debt should have been diminished by voluntary payments, without any pressure on the part of the institution itself, more than four millions in August and September, 1833, after loud complaints of the scarcity of money had begun to be heard. If this be not true, the bank begun to curtail without excuse or pretext ; but if this be true, then indeed the time chosen for the removal was the most fortunate ; being the precise moment when the bank had no occasion for the deposits, and could not use them, though the institutions which received them afterwards not only could, but did use them largely, and to the salvation of the country.

The bank had curtailed before the removal of the deposits, $800,000 more than were removed to the 1st of January. They might, therefore, so far as the deposits were concerned, have suspended their curtailments from the 1st of October to the 1st of January, and still have been in as secure a situation as they were on the 1st of August, when, by their own showing, they did not think it necessary to curtail. But suppose they had known of the intended removal as early as the 1st of August, would such knowledge have obliged them to curtail, or would they have done so in consequence of it, except for the purpose of augmenting the public distress, and thereby forcing a recharter? The conduct of the bank itself has answered the question, and demonstrated that they could not. The bank did not curtail when the three per cents. were to be paid, but, on the contrary, it went on extending. On the 24th of December, 1831, the cashier of the principal bank writes, "that such appears to be the anxiety of the government for the early extinguishment of the public debt, that we are not likely to have the use of any considerable amount of treasury balances during the coming year." And in January following, "the rapid redemption of the public debt will probably deprive the Atlantic offices, in a great degree, of the benefit of government deposits during the whole of the present year." The bank then knew, in December, 1831, that the public deposits were soon to be removed from its vaults, by the payment of the three per cents., almost double the amount of the deposits in August last. On the 24th of March, the bank had notice that it would be called on to pay one half of this sum, six and one half millions, on the 1st of July. There was a withdrawal of deposits, to be made in one day, about equal to the whole withdrawal which has been gradually making during the last six months. And how much did the bank curtail in anticipation of the removal? Neither in December and January, when it expected, nor yet in March, when it received the notice that this immense payment was to be made speedily, did it curtail one dollar of its loans? No! Far from curtailing, it went on extending till it reached its highest point in May, 1832. In December, its aggregate debt was $63,026,000; in May, it had risen to $70,428,000; so that instead of curtailing, when it expected to be deprived of the benefit of the deposits during a whole year, and by the withdrawal of six or seven millions at once, it extended its debt $7,400,000! Shall it now be pretended that the gradual removal of a few millions in six months, (and they are not entirely removed,) has forced the bank to curtail at the rate of thirty millions a year? They must overestimate the credulity of the American people, who can put forward such a monstrous assumption. The bank was under much less necessity of curtailing when the deposits were removed, than when the payment of the three per cents. was to be provided for, — for in March, 1832, it had only six and a half millions, instead of nearly twice that sum, — its circulation was greater than in August last, — foreign exchange was less favorable to us, its available resources were every way less, in proportion to the demands that might be made upon it, than at the latter period.

Nicholas Biddle swears that, in 1825, he saved the country from a general bankruptcy, merely by an increase of the discounts of the New York branch to the amount of fifty thousand dollars in one day. Why has not the bank in 1834, with her ten or eleven millions of specie, her seven millions of private deposits, her two millions of balances against the State banks, and her funds in Europe, done now what she could do with tenfold more safety than in 1825? She could with perfect ease, at any time for the last six months, have increased her discounts ten millions, which would have enabled the State banks to increase theirs twice as much more; yet still she keeps up this inexorable pressure, and we are told that it is all right and proper that she should do so; it is her good will and pleasure, and her collar men will kiss the rod that smites them, and say in humble resignation, it is good for us to be afflicted.

Nicholas Biddle testifies, that when he made his fifty thousand dollar discounts, "from this moment confidence revived, and the danger passed. I then thought, and still think, that this measure, the increase of the loans of the bank, in the face of an approaching panic, could alone have averted the same consequences, which, in a few days afterwards, were operating with such fatal effect upon England. I have never doubted that the delay of a week would have been of infinite injury, and that the *prompt interposition* of the bank was the occasion of protecting the country from a great calamity." Though the country was even more easily to be saved in 1834 than in 1825, yet the bank would never have made the trifling effort which, upon Mr. Biddle's theory, was necessary to save it. We owe it to the "prompt interposition" of the government, that the deposit banks were enabled "to increase their loans in the face of an approaching panic" some three or four millions, without "the delay of the week;" and "I have never doubted" that these millions added to the accommodations of the community at the most critical period, did at least as much service as the celebrated fifty thousand dollars so much vaunted of by Nicholas Biddle.

The removal of the deposits, therefore, having averted a shock such as has no precedent, and whose consequences would defy calculation, was productive of unmixed good, — was it unconstitutional, or arbitrary? If the Constitution did not warrant it, — no matter what benefits might be expected from it, — no matter how dangerous it might be to delay it, — it were better that commerce and credit should perish, than that the sacred charter of our liberties should be violated. If the act cannot be done constitutionally, I for one, would say, let it forever remain undone. Because, Sir, I belong to that school of politicians who hold that the Constitution is the palladium of American liberties, to be guarded from invasion, jealousy, and at all hazards. Our creed was happily expressed by our patriotic president, when alluding to the noble ship whose name calls up so many recollections of glory — old Ironsides — he pronounced, in his emphatic manner, that, "the Constitution must be preserved." Preserved I trust it will be; and, like that cherished trophy and choicest monument of Yankee skill and valor, when again she walks the waters on her proud career, bearing on her prow, fit emblem of her own thrilling history, the likeness of the defender of his country, — renovated, regenerate, restored to its original force and vigor, cleansed from unwarranted assumptions and unnatural constructions, long to flourish and prevail in its youthful beauty and simplicity, the peculiar boast of the friends of freedom, the preeminent terror of her enemies. Entertaining for the Constitution such reverential sentiments, I would be among the last to approve any measure not strictly in conformity with its spirit. Was the removal of the deposits constitutional?

Under the act of 1789, establishing the treasury department, it was the duty of the secretary of the treasury to direct where the public moneys in the treasury were to be deposited, — he was authorized to transfer them by draft from one place of deposit to another, and they were considered as being as much in the treasury after such a transaction as before; the whole matter was exclusively in his power, subject to the supervision of the president. This the most zealous friends of the bank do not deny, and thus far there is no disagreement of opinion. If the secretary has lost his power, it must be by some provision of the bank charter, expressly taking it from him; for it is not pretended that the power has been modified by any other action of congress upon it, unless it be by the bank charter. Let us look then at the language of the charter, and see how that modifies the power.

The sixteenth section of the charter declares that the deposits "shall be made in the said bank or branches thereof, unless the secretary of the treasury shall at any time otherwise order and direct." So far from taking away the power otherwise to order and direct, this expression would have given him the power if he had not already possessed it. This clause was no part of the original bill, — it was a portion of an amendment in the handwriting of an enemy of the bank, the Hon.

Daniel Webster, — and must have been intended to secure to the secretary the right of withdrawing the deposits at any time, and to prevent the bank from ever making the claim it now makes of a chartered right to the custody of the deposits. The power of directing where the public moneys should be kept, having belonged to, and been exercised by every secretary of the treasury since the organization of the government, and his power to order, at any time, that they shall be deposited otherwise than in the bank, being recognized by the charter of the bank in express terms, it is impossible to comprehend why the secretary may not do that which was the established usage of his office before the bank was created, and which was not only admitted to be his right, but expressly reserved in the fullest and most explicit provisions by the charter of the bank. Neither have any of the numerous arguments addressed to the senate, to the house, and to the people explained the mystery; but in defiance of the letter of that act by which the bank exists, they assume that it is unconstitutional to do what that act without any limitation whatever secures to the secretary the power of doing. Upon such an assumption much verbose and high-wrought declamation has been sustained by ingenious men; but until it has some firmer basis to rest upon, no matter how great the talent enlisted in its defence, it does not deserve an answer or a notice. There are truths so plain that argument cannot make them plainer; and the right of the secretary to remove the deposits having been reserved in the bank charter in the clearest words which Daniel Webster could select to express that right, I am not so weak as to suppose that I can make it clearer.

To deny this right is a new doctrine, — a doctrine which Mr. Webster could not have anticipated in 1816, when he penned the sentence which makes it untenable and too absurd to require an answer. It is not, however, the only new doctrine invented for this occasion; and let me observe once for all, that if there had been any old, acknowledged, constitutional ground to condemn the removal of the deposits, such lawyers as have argued the case for the bank in both houses of congress could not have overlooked it. We should have had it served up in every form, and with commentaries in every possible variety. Instead of old familiar principles, however, every doctrine advanced by the opposition on this occasion is new, and not only new, but strange, — not only strange, but in direct contradiction to all previous notions of the nature of our government. It is denied that the secretary of the treasury is removable by the president, although in the very act creating the department, (2d April, 1789,) provision is made for supplying his place temporarily, "whenever the secretary of the treasury shall be removed from office by the president of the United States." It is denied that the president is responsible in any way for the acts of the heads of the departments, or that it is any reason for changing one of them to insure a concert and harmony of action among the different members of his cabinet. As if the executive was not single, a unit, for the purpose of securing this very concert of action. As if an executive of two consuls, five directors, or in any other compound form had not been found productive of great evils, and to avoid these evils we have one president instead of two, three, or a greater number. As if the general supervision of all the departments and the taking care that the laws and the Constitution are faithfully executed according to his own understanding of them, were not the principal duty of the president, without which his office would be but a mere sinecure.

These ingenious novelties, however, have been superseded by another fresher and more startling, which is, that though the president may be responsible for the acts of all the other members of his cabinet, and have the power of removing them when unwilling to be any longer responsible for their acts, still that he has not that power over the secretary of the treasury, for the treasury is not an executive department! How desperate must be that cause which men of acknowledged abilities can find no pretence for supporting without resorting to such egregious absurdities. For the first time for forty-five years it is pretended that the secretary of the treasury is an officer of congress. Does congress appoint him? Can congress remove him? If his duties are not executive, what are they, — legislative or judicial? It is idle to argue against such a theory, — never before heard of, and now brought forward without shadow or pretext. The president has the same duty of supervision, ultimate responsibility, and power of appointment and removal with regard to the head of the treasury department as with regard to the secretaries of State, war, and the navy; nor would any one have been found to doubt this, had there been tenable grounds for assailing the administration.

The last objection is, that the deposits should not have been removed till congress met. And why? Had the measure been delayed, the pressure of the mammoth bank would have been irresistible during the two intervening months; and after the session opened, congress could have done nothing till the secretary had first acted upon the subject. They had no right to meddle with it. The secretary must then have ordered the removal, and congress could not restore the deposits except by passing a law. The event has shown they could not pass such a law, two branches out of three approving of the measure. Why then should it have been delayed? The measure was not only constitutional, but it was not an arbitrary measure. It was a measure recommended by Jefferson, as long ago as 1803. In a letter to Albert Gallatin, he says of the mammoth bank, — "This institution is one of the most deadly hostility existing, against the principles and form of our Constitution. Suppose a series of untoward events should occur, — an institution like this, penetrating by its branches every part of the Union, acting by command and in phalanx, may, in a critical moment, upset the government. I deem no government safe which is under the vassalage of any self-constituted authorities, or any other authority than that of the nation, or its regular functionaries. What an obstruction could not this Bank of the United States, with all its branch banks, be in time of war! It might dictate to us the peace we should accept, or withdraw its aids. Ought we then to give further growth to an institution so powerful, so hostile? Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution, to bring this powerful enemy to a perfect subordination under its authorities. The first measure would be to reduce them to an equal footing only with other banks, as to the favors of the government."

This measure, recommended by Jefferson, was practised by Crawford, in the arrangement with the western banks in 1819, and in the assistance afforded to the Bank of Alexandria. In neither case was his right to determine where the deposits should be kept, disputed or doubted by the Bank of the United States, — neither was he censured by congress for the exercise of this unquestioned right, when a committee of that body, of which Daniel Webster was a member, examined the charges against him, and exonerated him from all censure in his management of the public moneys. At a later period, Mr. Ingham threatened to deprive them of the custody of the government deposits, and for the same reasons which finally justified the step; the bank did not then deny his power or right to make good his threat. That denial was an afterthought, and originated, since the coalition of the nationals and nullifiers, with those other heretical novelties of the nullity of the executive, of the separate independence of the heads of departments, of the irresponsibility and irremovability of the secretaries, and that the treasury is not an executive department, but a subordinate branch of the legislature. One hazards but little in predicting, that the chartered right of the bank to the custody of the public funds, while the charter itself provides that the secretary of the treasury may at any time order them to be deposited elsewhere, will be, with all these other coeval heresies, alike abandoned, and in a few short months forgotten. Four years ago, the friends and champions of the bank considered the removal of the deposits a salutary corrective. In his report of the 13th of April, 1830, Mr. McDuffie justly and wisely remarks, that any attempt "to bring the pecuniary influence of the institution to bear upon the politics of the country," may be punished "by withdrawing the government deposits." "This power," he adds, "is in its nature a salutary corrective, creating no undue dependence on the part of the bank." The country still holds the same opinion, and it cannot be doubted that the few who have so lately departed from this faith will, for the most part, soon return to it again.

The measure was not arbitrary, for the bank, by its conduct, had made it indispensably necessary. From the 1st of August to the 1st of October, a curtailment of more than four millions of dollars in two months had gone on with unabated rapidity, while the public deposits during the same time had been increased more than one million and a half of dollars. Was it the duty of the government to stand by idle and see the nation ruined, and even to assist the monster in sucking from the body politic the life blood of credit? George McDuffie shall again furnish an answer, — "the secretary of the treasury would have the power to prevent the bank from using its power unjustly and oppressively by withdrawing the government deposits." Mr. Taney only withholds, he does not withdraw what has already been deposited, — he adopts an expedient, therefore, much less arbitrary than that which Mr. McDuffie had pointed out as the appropriate remedy.

It was a preparatory step towards winding up the concerns of the bank. Its memorial declared that the question of the recharter ought to be decided before the adjournment of congress, in March, 1832, because it was "important that the country should begin early to prepare for the expected change."

"It cannot be doubted but the present bank would conduct itself as badly as the old bank did if there should be any strong political excitement. The circumstances of the times may be changed; and it may be the good pleasure of the bank to oppose the government with an ability to depress the public credit and to obstruct the public means, yet little thought of. As the bank can render money scarce when it pleases, by checking its circulation, what may we not apprehend, if the bank should interfere in our elections, zealously support this man and oppose that, and if unsuccessful, throw its weight in direct opposition to the administration? There is no prospect just now of such a political excitement as has been spoken of; but let it come when it will, and it will one day or another agitate us; the bank will most assuredly be a political machine. Whether as such it happens to be on my side or against me, I shall still hold the same opinion of it, that it is an unconstitutional institution."

It is not necessary to look to Hezekiah Niles for authority to prove the bank unconstitutional.

But though a national bank were as constitutional as Henry Clay has proved it to be unconstitutional, — though the charter of the present bank had been as expedient as Daniel Webster proved it to be inexpedient, still, it has violated its charter again and again, and that fact alone is a sufficient reason why its existence should not be prolonged. The proofs are before the public; it is unnecessary to recapitulate them; they are conclusive.

The present administration may confidently claim, and will assuredly receive the gratitude of posterity, for the vigorous and successful efforts it has made to restore the Constitution to its original simplicity and purity. Already the system of unequal burdens on commerce, and of oppressing the inhabitants of the seaboard, to raise money to squander in electioneering schemes in the western States, — the system of carrying on local improvements, without warrant from the Constitution, at the national expense; and the system of Mr. Clay, in his land bill, to bribe the Atlantic States to come in to these usurpations, by returning them a small share of the plunder (to Massachusetts for instance, one dollar out of every five taken from her, a process by which the national republicans expected the Commonwealth to grow rich,) all these systems have fallen under its repeated blows.

The engine which completed the machine of corruption, "this engine," says Mr. Jefferson, "was the Bank of the United States." This, also, is tottering; in the words of Daniel Webster, "the bank has fallen, or is to fall."

That vast fabric of consolidation, made up of so many complicated abuses, which six years ago stood so firm as to defy every attack, is now prostrate and in ruins; the bank is the only pillar that remains, shattered and soon to be overthrown. Six years ago it seemed to be forgotten that we had a written Constitution limiting the government; it was a waste of words to argue against constructive powers. Now constructive powers are, for the most part, abandoned; the bank is the last of the long list of encroachments on the federal Constitution; let this be once suppressed and the government may set out again upon nearly the same principles upon which it started in 1789, and from which it had been almost constantly departing down to the 4th of March, 1829. For this restoration or revolution, if people prefer to call it so, we may thank the incorruptible republicanism and unconquerable energy of Andrew Jackson.

But those who see only those objects which are immediately presented to their vision, and take no notice of what may be in the least remote from their narrow sphere, overlook entirely the evils of nullification, which our progress towards consolidation had already produced, and the certainty of civil war, disunion, anarchy, and final despotism to which that progress must have ultimately brought us, and see only the evils of a disordered currency, magnified and multiplied by the distorted aspect which the panic gives them. These short-sighted and faint-hearted dupes of the panic-mongers cry out that an unconstitutional bank is better than the state which must follow after the monopoly expires, and that we must have a national bank, right or wrong, to regulate the currency! A national bank regulate the currency! How has the Bank of England regulated their currency? By stopping specie payments for more than twenty years, — by producing terrible fluctuations in the value of money and property, and the most calamitous revulsions in business and credit, — by causing the country to be flooded with counterfeit notes, and making forgery so common, that from two or three convictions in a year for that crime, the number increased to two hundred and twenty-seven in a year. And how has our bank regulated our currency? Very much in the same way, Sir. After having brought on the distress of the years 1818, 1819, and 1820, it closed its western offices from 1819 to 1827, and left the valley of the Mississippi, which it had drained of its specie, and the local banks which it had thrown into inextricable confusion, to recover from the operations of the regulator, as they could. At that time, according to the confession of its president, Mr. Cheeves, it came very near suspending specie payments; and had it done so, it would have compelled all other banks, except, perhaps, those of New England, to do the same. It has done more than any single agent besides to produce the present derangement of the currency, and the whole land is deluged with counterfeit notes and drafts of its branches, of which counterfeits about two hundred editions are known to have been issued. No, Sir; it is the State banks that are to regulate the currency, as they have regulated it hitherto. Under the influence of the resolution for the better collection of the revenue passed in April, 1816, they restored specie payments, and have continued them. Mr. Webster, in his speech in favor of that resolution, laid down the true doctrine. "I have expressed my belief," says he, "on more than one occasion, and I repeat the opinion, that it was the duty and in the power of the secretary of the treasury, on the return of peace, to have returned to the legal and proper mode of collecting the revenue. The paper of the banks rose on that occasion almost to an equality with specie; that was the favorable moment. The banks in which the public money was deposited ought to have been induced to lead the way, by the sale of their government stocks, and other measures calculated to bring about, moderately and gradually, but regularly and certainly, the restoration of the former and only safe state of things. It can hardly be doubted that the influence of the treasury could have effected all this!" So it seems the influence of the deposit banks was, of itself, sufficient to bring back a sound currency, in 1816, Daniel Webster being judge, speaking, after the present bank had been chartered, in opposition to his own vote, and in this very speech reiterating his adverse opinion of it. "A bank of thirty-five millions has been created for the professed purpose of correcting the evils of our circulation, and facilitating the receipts and expenditures of government. I am not so sanguine in the hope of great benefit from this measure as others are." These opinions of that great man, I consider the more valuable from the fact that they were expressed long before it was discovered that his great inconsistencies constituted the distinguishing feature in his great character, — before he was known as a leader of the anti-bank party and of the bank party, — opponent and champion of the same institution, — as the leader of the anti-tariff and of the ultra-tariff parties, — opponent and champion of the same policy, — voting against a low tariff because it was too high, and objecting against a high tariff because it was too low, — objecting against the same tariff, I mean that of 1824, at one time that it went too far, at another time that it did not go far enough, — a denouncer of nullification, and playing into the hands of nullifiers, — deprecating the spirit of the proclamation before it issued — shouting hosannas to Andrew Jackson as soon as it is received, — protesting beforehand against the employment of force, and employing all his energies to pass the enforcing bill. Before Mr. Webster had assumed so many different attitudes, his opinions certainly carried more weight with them than they should at present. Unless in the prime of manhood, in the unbiassed possession and exercise of all his powerful faculties, Mr. Webster was always wrong, the present administration has been right in such of its leading measures as he has most violently opposed. Unless the corrosion of disappointed ambition has cleared his vision and rectified his judgment, — unless the desperation of political bankruptcy has cooled his passions and allayed his prejudices, the approbation of Daniel Webster eighteen years ago was worth a great deal more than it now is. But whatever may be thought of his opinions then or now, it may be set down as a historical fact, that his resolution for the better collection of the revenue, produced the effect for which it was intended; and, by operating on the State banks, brought about an almost immediate restoration of specie payments and a sound currency, and demonstrating thereby that a mammoth corporation, which always acts as a disturber, cannot be necessary as a regulator.

To these remarks, Sir, one answer will be made. It will be said I have spoken like a party man. Sir, I confess it. I have spoken as a member of that party, blessed be God! nine tenths of this nation, whose creed is that the American government was instituted for the good of the American people, — not to serve the purposes of a joint stock company, — not to pamper this man nor that man, — but to protect equally every man's interests. To that party I belong. In the name of that party I have spoken, — that party who, rising in the might of righteous indignation, are even now about to overturn the tables of the money-changers, and purge the sacred temple of their liberties from the foul contamination of unholy mammon.

ORATION AT WORCESTER.*

There is no incident in the history of mankind, except the advent of their Redeemer, that can rival in importance and interest that which we have met to commemorate. The capacity of the people in any nation to govern themselves, however excellent might be their intellectual, moral, and political education, and under whatever favorable circumstances, was not merely called in question; it was almost universally denied. It was only the theory of a few sanguine speculators upon human perfectibility, thinly scattered over the world, until the fourth of July, seventeen hundred and seventy-six. Since that day it has been a fact, obvious, indisputable, penetrating everywhere, dispelling by its radiant clearness that political bigotry, in which the millions of our race had blindly submitted to the fiat of arbitrary power as to the irresistible decree of fate. It is the star of hope and promise. Enlightened by its beams, the oppressed discern the weakness of the tyrant. They now no longer must bow their servile necks beneath the yoke of one of their fellows, neither stronger nor better than themselves: no longer must the many sow, that the few may reap: no longer must myriads toil, and sin, and suffer, and perish, that one glorious name may fill a page in history:

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* Delivered before the citizens of the county of Worcester, July 4, 1837.

no longer shall the husbandman and the artisan, torn from their peaceful labors to carry desolation and death to the homes of those who have never wronged them, be dragged, brute victims to slaughter, at the chariot wheels of a conqueror. Freedom guarantees governments in the interests of those that are governed, and intelligence and virtue are now the only qualifications necessary for the enjoyment of freedom.

Independence is proclaimed, and with the sound a nation starts into being, not like her elder sisters, held in thraldom, but all her limbs unbound and free ; not like them, slow of growth, and after a tardy development, attaining only to a dwarfish deformity, but like Minerva, from the head of Jove, at once mature in wisdom, courage, dignity, and power, knowing her rights, and fully armed to maintain them against every aggressor, asking nothing but what is right, submitting to nothing wrong, — equally ready to vindicate her just cause, whether Britain provokes her youthful energies, or France delays to do her justice, or Algiers or Mexico insults her hardy sons upon that element which is their home and empire. Her sudden entrance on the theatre of action changed essentially the positions and relations of all the other nations of the world. The nature of this change, the extent to which it has already reached, and must proceed hereafter, the momentous consequences that spring from it, affecting both governments and subjects, to what peculiar dangers it exposes them and us, and how we may best secure and improve the blessings of our most fortunate location and condition, are all fair topics of inquiry upon this hallowed anniversary. The field open for discussion is fertile and inexhaustible. Many have entered it, and some with signal and lasting benefit to their countrymen ; but there is still rich room for more. In view of the vast variety of considerations which suggest themselves, and recollecting the ability with which this occasion has been often illustrated, one is at a loss to choose the theme of a discourse addressed to an audience like that before me.

The great experiment of our independence has been in its general results even more successful than the most sanguine would have dared to hope. Allowing for all those deductions which truth and candor and justice to ourselves require to be made in the account, there still remains a long continued career of prosperity, interrupted, we must confess, by evils which, for the most part, wisdom might have avoided or at least mitigated, yet far surpassing the best estate of the most fortunate people that ever before appeared upon the face of the globe. The population of this Union has just reached its second duplication since the census of 1790, being now about nineteen millions.* The population of our own State is this year double what it was at the date of the Declaration of Independence, while about a million and a half of the inhabitants of other States are either emigrants, or the children of those who have emigrated from Massachusetts since the opening of the revolution. Not the pressure of want at home, but the cheap abundance of a richer soil in the West, tempted these multitudes of our brethren to go out to people the prairie, and subdue the wilderness. The wealth of Massachusetts is probably ten times as great as when the revolution broke out; some estimates would make it thirty times as great; but if ten times only, it gives to each family, upon an average of the whole Commonwealth, five times the amount of comforts and conveniences of every kind, that they enjoyed before the revolution. Those who have stayed by the old homestead have done well, then; if those who have gone and are now going from among us have done better, we desire to be devoutly thankful for the benignant smiles of a kind Providence on our kindred and acquaintance. God speed them on their way, and watch over and bless them in their selected abode; and may they carry with them, preserve, and perpetuate to the end of time, throughout the broadest and noblest valley in the world, the enterprise, the perseverance, the intelligence, morality, and religion, the good old primitive virtues of New England.

Poverty, want, starvation, disease, misfortune, and crime are the checks of population, and the amazing rapidity of that progress whose measure I have just given, a progress whereby the inhabitants of this Union must exceed one hundred millions within the lifetime of many who now hear me, proves more conclusively than any labored argument, how seldom and to how small extent these checks are prevalent within our borders. Oh, knew we but our happiness, of men the happiest we! Yet the happiness we enjoy, vast in comparison with the most numerous portions of our race, approaches not by an almost equal difference that happiness which Heaven has placed within our reach, if wisely determining and boldly executing the policy and the measures necessary to develop in the highest perfection the greatest good of the greatest number. Even what we have, we hold by sufferance, so long as we deserve it, duly prize it, and guard it with that perpetual vigilance which is the price that must be paid for the living spirit of our institutions, without which their empty form is worthless.

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* Population of the United States, in 1776, about 2,600,000. In 1790, 3,921,328. In 1830, 12,856,407. In 1837, about 15,720,000. Population of Massachusetts, in 1776, 348,094. In 1790, 378,787. In 1830, 610,014. In 1837, about 702,000. Property of Massachusetts, in 1776, estimated at eleven millions of dollars, but probably at least thirty millions at the present value of money. In 1830, $208,660,407. Real value, in 1837, probably exceeding three hundred millions, perhaps four hundred millions of dollars.

Our ship of State navigates no pacific ocean; she rides the stormy billows of liberty. Give her sea room enough, and she rides secure, and defies the fury of embattled winds. Hidden perils only can endanger her safety. Treacherous insects have been at work in the unseen depths; slowly and long have the coral reefs been rising; if treason takes the helm a moment, she strikes, and all hope is lost. But the ever watchful eye of our experienced pilot, wise in counsel, resolute in action, sagacious amid difficulties, and unshaken by the terrors of the crisis, has already descried the course through which her passage opens; she leaves destruction behind, and goes bounding on her glorious way, a home of life and joy and confidence, freighted with the welfare of a nation, and cheered by the admiration of a world.

In the midst of our heartfelt rejoicing, as not unaware of the greatness of our deliverance, let us look back and survey the hazard past. Let us survey it calmly, yet faithfully, patiently, and thoroughly. Who can tell how soon we may find ourselves again in the same jeopardy. If so, danger well known is already half avoided.

According to American principles, all men are born free and equal, although, in point of fact, a majority of mankind live in slavery. The condition of slavery is an abuse. By our Constitution, perfect freedom is a natural, essential, and unalienable right. The body politic is formed by a voluntary association of individuals, covenanting together for their common good. The just powers of government are derived wholly from the consent of the governed, all power residing originally in the people, and all magistrates being merely their accountable agents. The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights and the blessings of life. It is not for the profit, honor, or private interest of any one man, family, or class of men.

The source of all the legitimate power that a government can possess is the general will. The only legitimate object of government is the general welfare. The only legitimate means it can employ for this object are the preservation of social order, and the protection of each individual in the enjoyment of his life, liberty, and property, according to standing laws operating equally upon all the citizens. Such is the theory of the Constitution of Massachusetts. It is the theory of a democratic government, of a sovereign people governing themselves. Its source, the public will: its aim, the public good: its means, the public order. Such also, though much more strictly limited, is the Constitution of the federal Union. But the constitution of human nature is the same under American, as under European or Asiatic governments.

In the nature of mankind there exist the elements of three different parties, which under every democratic government must be expected to display themselves, in very different aspects, according to circumstances, their real character being often so ingeniously disguised, at least as to two of them, that without a large share of penetration and sagacity, a disinterested looker-on would not at first detect it. These three parties consist respectively of those who desire that the government should tend towards an aristocracy, of those who desire that it should continue to be purely democratical, and of those who desire that it should tend towards anarchy. They may be severally denominated aristocrats, democrats, anarchists.

In every community there will be men of talents, wealth, and energy, who, when they devote their whole powers to the public good, will be numbered among the most excellent and esteemed citizens; and will enjoy, precisely in the proportion that they deserve it, the confidence of the people. But if these men are not under the restraint of moral principles, if they feel no sense of public duty, but give themselves up to the impulses of selfishness, being capable of forming and pursuing systematic plans of personal aggrandizement, under the guidance of their inordinate ambition, they will strive to press into their service all the machinery of government, and to make that machinery as effective as possible for their purposes. These men would monopolize power, and share the benefits to be reaped from the monopoly, exclusively among their own order. As all governments anciently favored accumulations both of property and power, they hold fast both to ancient laws and usages, and fight manfully against the equalizing and liberalizing spirit of the age. They delight to call themselves conservatives, but are in truth retrogrades, for they vainly attempt to carry back society to maxims and a regime which have had their day, and are gone forever.

The popular party includes both rich and poor, learned and unlearned, those endowed with genius, and those unblessed by nature; but its greatest strength resides in what is often called the middling interest, and especially in the substantial yeomanry of the country, for they have seldom any interest adverse to the common good of all. Democracy is the party of equal rights, equal laws, equal privileges, universal protection. Its foundation rests upon eternal principles of equity and justice. Its creed is in the ordination of Providence, the constitution of nature, and the wisdom of revelation. It has their common sanction, and, therefore, is not troubled with doubts or misgivings. Its policy is honesty, and its counsellors are common sense and an enlightened conscience. It has no partialities. It neither plunders the rich, nor oppresses the poor. It does not reserve its smiles for the fortunate, nor its frowns for the unhappy; nor does it look with envy on success or merit, or pass by with cold indifference the helpless and abject; but its sympathies are for all, wide as the world, and liberal as the sun. It rather reveres those sacred axioms of immutable right which our fathers embodied in the Declaration of Independence, and in the articles prefixed to our Constitution, and which form the best inheritance they have left us, than blindly follow them in any errors of their conduct wherein they forgot or violated those axioms. It admires and participates largely in those bold efforts for improvement which characterize our times, but it is not blown about by every wind of doctrine. It neither worships a venerable abuse because it is old, nor is carried away with every wild project of innovation because it is new. But it moves steadily on in its beneficent course of prudent, judicious, well-considered reform.

The anarchists among us are so few in number, that they hardly exist as a political party, yet that there are individuals who hate the law which protects the honest man, a very slight inspection of our jails and prisons will suffice to convince us. There are men of irregular and ungovernable passions, desperate and depraved, who would pull down all above them to their own miserable level; but we look upon them with wonder, and regard them rather as monsters than as men. One of the first objects of good government is to control them; of course the more faithfully the government performs this duty the more violent will be their animosity against it. Having interests adverse to the common interests of society, and only hoping to rise upon the downfall of the good, they are naturally destructives, — the architects of ruin.

In those countries where ignorance prevails among the masses, the aristocracy will govern, and the many will pay tribute to the few. Such has been the situation of almost the whole world, through its whole history, with one prominent exception in America, in the last half century.

In those countries where universal corruption and vice have penetrated every class of society, until the body politic is fully rife for destruction, the anarchists may for a moment seize upon the powers of government, and endeavor to wield them for their own nefarious purposes. But such a condition is convulsive and unnatural, and there is no instance in history where it has continued beyond a very short period.

In those countries where the great majority of the people are enlightened and virtuous, inequalities both of property and power will be comparatively trifling. There, and there only, can the experiment of self-government be successful, because there the democratic party will vastly outnumber all other parties put together.

The aristocrats believe, that "it is the part of wisdom to found government on property," for the good of the few. The democrats believe, that it is both wise and just to found government on the intelligence and virtue of the whole population, for the greatest good of the greatest number. The anarchists, setting aside wisdom and justice, would overturn the foundations of government, to rid themselves of the wholesome restraints which it imposes upon their dishonest propensities and wicked passions.

The aristocrats go for their order: the democrats, for the people: the anarchists, each one for himself.

The aristocrats would erect a fabric like a feudal castle, with a few capacious and splendid apartments, but with no provision for the comfort of the family at large. The democrats would repair and enlarge the building so as to accommodate, in the best possible manner, all the inmates. The anarchists would tear down the house, for the sake of what they might purloin while wandering amid the ruins.

The aristocrats, or self-styled conservatives, are consolidationists. The democrats, or reformers, are constitutionalists. The anarchists, or destructives, are practical and thorough going nullifiers.

Of these last I am loth to speak. I would not willingly believe that there can be such a party on this side of the Atlantic: but the events of the last eight years show too clearly that we have among us determined and inveterate enemies of our laws, of our Constitution, and of our glorious Union. As every man who has an estate, or a good character, or a profitable employment, or a family, or a friend, or a hope ever to possess any of these, or a spark of true patriotism, or a sentiment of humanity, has a stake, and must feel an interest in the preservation of our established institutions; the absolute destructives must be so few in number, and so weak in all the elements of moral influence, that we need not waste a word or a thought upon them, unless they were adopted into the ranks and employed under the direction of those who profess to be conservatives, bold bad men, with ambition gnawing at the heart like the worm that never dies, and who marshal the heterogeneous forces of opposition with the feeling of "the first whig,"* better to reign in hell, than serve in heaven.

Is it conceivable, said Fisher Ames, that the owners of the commercial

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[*] Whiggism is the negation of all principle. The devil was the first whig.—*Dr. Johnson.*

and moneyed wealth of the nation, will plot a revolution that would make them beggars, as well as traitors, if it should miscarry? In these convulsions of the State, property shifts hands. As well might they suspect the merchants of a plot to choke up the entrance of our harbors, by sinking hulks, or that the directors of the several banks had confederated to blow up the money vaults with gunpowder.

Mr. Ames gives his friends more credit for wisdom than they deserve. Have we not seen a leader of our aristocracy proclaiming that we were in the midst of a revolution, and another justifying the profanation of the Sabbath by the doctrine that there are no Sabbaths in revolutionary times? Have we not seen those who owe their political existence to the Union, calculating the value of the Union; those who live by credit, making war on credit by getting up a panic; those whose commerce our navy protects, offering the grossest insult to our navy; manufacturers, who believe that the slightest reduction of the protective duties would be "the death warrant of the manufacturing establishments of New England," on the brink of treason, because the protective duties are not reduced, by collecting them in bad paper; members of congress, who voted for laws which control the executive, threatening instant rebellion if the executive obeys those laws? There is no infatuation too absurd for faction.

Disappointed aristocrats have always been the principal fomenters of treason. Lucius Catiline was one of the highest aristocracy. He was by nature greedy and prodigal, covetous of what belonged to others, lavish of his own. Of course his pecuniary situation was desperate. He was a member of the national senate, and had been defeated in his intention to be a candidate for the office of chief magistrate, but at the time of the conspiracy he was determined to be nominated again, though he had got into a small minority in the senate. He harangued his accomplices, and "when he perceived all their spirits elevated, he pressed them to take care of his interest at the next election." He collected about him eleven other senators, all the speculators, and those who had pushed the credit system too far, the young men of quality, and anarchists void of every honest hope. Crassus, the Biddle of the day, was believed to be privy to the design, because he hated the old hero who then defended the constitution, and besides, he hoped if the conspiracy succeeded, with the immense funds under his control to govern the conspirators. Catiline pretended that he had undertaken the cause of the oppressed, and his followers maintained that he was a defender of the constitution.

The Catilines of all ages are alike. The Duke of Orleans employed Danton, just as our aristocrats would have employed our anarchists, hoping to cheer them on and call them off as easily as a hunter does his hounds.

A coalition of the partizans of arbitrary government and of the enemies of social order is not unnatural. Extremes often meet, and in the present case, they are drawn together by a common interest, to aggrandize and enrich themselves from the plunder of the masses. This is not only the plan, but the practice, and to a very considerable degree the successful practice, of both members of the existing coalition. Those who aim to introduce a strong government, desire to make use of its powers, as the aristocracy of all old nations have done, to direct to their own reservoirs those innumerable, minute streams of wealth, which, under the equalizing influence of freedom, diffuse a general fertility over the whole surface of society. Those who would pull down all established institutions, and violate the right of property, can be only actuated by the hope of appropriating to themselves fragments of the wreck more valuable to them than their present interest in the fabric. Though these ulterior designs may never be realized, and in their full extent never can be without a revolution more terrible than any yet recorded in history, still it will be the part of wisdom to understand precisely how far the coalition have advanced towards the end they have in view. The perilous progress towards consolidation was indeed appalling, and the firmest friends of their country had begun to apprehend that it was irresistible, when it encountered an obstacle which neither force nor craft could remove, nor seduction, intrigue, or intimidation overcome. The old Roman vigor, incorruptible integrity, and austere probity of Andrew Jackson, sternly rejecting the immense accession of executive influence and patronage which an infatuated opposition never ceased for a moment to urge upon him, turned back the current of federal encroachment, and restored, before it was too late, the violated Constitution to its original purity. During his career as chief magistrate, the world beheld for the first time the astonishing spectacle, which, unless human nature be wholly regenerated, it will seldom witness again, of an administration, which voluntarily, and in defiance of the bitterest opposition, in defiance of reproaches, threats, and maledictions, diminished its own revenue; lightened, by refusing income offered and almost forced into its hands, the burdens of the people; cut off and cast from it the strongest means of influence; lessened the number of its powers; narrowed the limits of its action; and not only restrained itself from curruption and abuses, to which its enemies invited it, but removed, to the utmost of its capacity, the possibility of abuses and corruption hereafter. The overthrow and ruin of that administration were confidently predicted if it should dare persist to follow the self-denying path of duty. Truly formidable was the combination of learning, and talent, and wealth, and weight of authority enlisted against it: fearful was the conflict, and doubtful for awhile seemed the issue. But the hero who filled the post of danger had adopted the maxim of Metellus, whom, in unbending fortitude and unblemished virtue, he most resembled. "If it were always safe to do right, who would ever do wrong? It is the part of good men to do that which is right, even when least for their safety." He was ready, therefore, to take the responsibility of fulfilling the oath he had sworn, of maintaining the Constitution of his country, and of seeing that her laws should be faithfully executed. Andrew Jackson had made an experiment some years before at New Orleans. He had tried, and knew the effect of a well directed energy in scattering the solid columns of British veterans, officered by choice scions of British nobility. He was not, therefore, to be driven from his purpose, by the most determined onset of whatever array of British principles, British precedents, and British interests, the whole British party in these United States could marshal against him. He proceeded steadily in the work of reform. God speed the right, was the fervent prayer of every true-hearted patriot, every honest statesman, every wise philanthropist in the world. That prayer was accepted. The enemies of our liberty rushed upon him in mad fury, to hurl him from his station. Like the unclouded summit of a lofty mountain, against whose base the storms spend their vain rage, he stood unshaken, above the whirlwind of passions that threatened the overthrow of our social institutions. Where now are his assailants? Shall I say, a Waterloo defeat awaited them? Our language furnishes an expression somewhat more emphatical. A New Orleans defeat annihilated them. Nullification is nullified. The British bank is bankrupt. The British system of restriction is abandoned. Unconstitutional taxation is disavowed. Massachusetts cannot be assessed to tunnel the Alleghanies. The traitors who deserted the cause of their country in the hour of her peril have sunk into congenial oblivion. The tenant of the throne of Napoleon has redressed the wrongs of his predecessor. The last remnant of the system of consolidation has disappeared, and neither from discontent and division at home, nor through aggression from abroad, can any opportunity now be anticipated to restore its hated sway. The consolidationists are completely consolidated, "if to crush be to consolidate." The nullifiers have folded up that tattered banner which bore for its motto that "miserable interrogatory,—What is all this worth?" and the northern and the southern whigs, alike discomfited, despair of seizing the government and wielding it for their own purposes; or of overthrowing it, by an organized rebellion, to rule over the ruins.

But though both members of this unholy alliance must have surrendered long ago their hopes of carrying their plans directly and openly into effect, yet by the control of the moneyed power of the country they have reaped and are still reaping much of the advantage they might have expected from a victory over the government. Though in a minority, they were strong enough to prevent the reduction of the revenue to the wants of the government; though the reductions which have been made with the concurrence of the administration, and which it wished to carry further, removed from the shoulders of the people taxes to the amount of at least one hundred and thirty millions of dollars, since the year 1830. The whigs contrived to prevent a sufficient reduction, in order to accumulate in the treasury enough of the people's money to constitute splendid bribes to the States; in hopes, by the offer of so much plunder, to purchase votes at the elections of 1836. Having brought about by their manœuvres the deposit act, a measure of which they boast as their own work, they have been sadly disappointed in pocketing the spoils; thanks to the democratic spirit which prevails among the yeomanry of the land, even here in whig Massachusetts. When the farmer puts his "huge paw upon the statute book," it is to do equal justice to all, not to parcel out riches to favorites. But though the public treasure did not reach the destination intended for it by the projectors of the distribution, it fully answered their expectations in another point of view: it deranged incurably the circulation and business of the country. In August, 1833, the public deposits in the United States Bank amounted to about seven millions and six hundred thousand dollars; in December, of the same year, they were diminished to about five millions one hundred thousand dollars.* During part of the intermediate time the amount was increasing instead of diminishing. What was withheld was deposited in other banks, in the same cities, where it was loaned on quite as liberal terms, to say the least. Yet every whig statesman in the country is pledged to the opinion that this removal of less than two and a half millions, in more than four months, by an operation carefully conducted, from one side of the street to the other, was sufficient to convulse the whole commerce of the nation, to bankrupt tens of thousands and to overwhelm in one common ruin the industry and enterprise of these United States. It will be recollected that it was in August that the great bank began to contract, and in December that those terrible panic orations were fulminated from the capitol, to spread desolation through the land, as if panic could break down credit, and if the annihilation of credit could be as disastrous as they proclaimed the gentle touch it had received had been already. If those gentlemen believed their repeated declarations, and if they were not idiots, they must

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* Public moneys in the Bank of the United States in the latter half of the year 1833.

July,	$6,511,503.32	Sept.	9,182,173.18	Nov.	8,426,305.69
Aug.	7,599,931.47	Oct.	9,868,435.58	Dec.	5,162,260.62

have intended, when they voted for the distribution bill, to produce calamities tenfold greater than those they attributed to the removal of the deposits. The distribution bill removed eighteen millions of dollars from the United States treasury, in about three months, — not a half million in a month, and gradually, across the street, but nine millions in little more than one month, and nine millions more at once, on the 1st day of April, much of it to be carried thousands of miles from the points at which the necessities of business had collected and required it. Nine millions more have just been called for on the 1st instant, and the same sum is to be again abstracted from the channels of business on the 1st of October next. If there was a man in congress who believed the tithe of the panic doctrines promulgated there three years and a half ago, he must have anticipated with perfect certainty that this violent operation would effect the last great whig exploit, the suspension of specie payments. Those who denounced the removal of the deposits as fraught with ruin, and yet afterwards advocated the policy of distribution, should inform us whether they wish to be regarded as hypocritical in their professions in the first instance, or, in the latter case dishonest in their conduct.

The suspension of specie payments having been naturally brought about by the paper money party, by their unprecedented over-banking and consequent speculation, having been precipitated by their favorite measure the distribution, having been recommended by them long before it happened, justified by them ever since, and profitable to them while it lasts, is the appropriate consummation of the whig policy upon the subject of the currency. By a currency of irredeemable paper the many are made to pay tribute to the few. The aristocracy, who in all countries desire to enrich themselves out of the taxes of the people, make it an engine of taxation. Anarchists, whose aim is plunder, through its instrumentality enjoy a rich harvest.

Our monopoly, paper money, banking system, in its best estate, when free from derangement, and enjoying undoubted credit, imposes heavy taxes on the people. The expenses of carrying on the whole complicated machinery fall ultimately upon the consumer of the goods which are bought and sold by the borrowers from the banks. As the consumer in the country has to pay interest on the capital invested in these goods for a much longer time than the consumer in the city, as the poor man, buying in smaller quantities, pays a much larger advance on the first cost, and consequently on the interest which makes a part of the cost, than the rich man who buys in larger quantities, this tax, as well as all other taxes levied on consumption, falls more nearly an equal imposition of so much a head on the whole population, than in any other proportion. The rent of land and buildings, loss, and repairs upon them, cost of bills, salaries of the various officers, presidents, cashiers, tellers, clerks, and messengers, fees of notaries on protested notes, fees of attorneys on suits brought, all these are paid, with interest on them all, by the consumer. These charges in the aggregate must considerably exceed one per cent. on the capital employed. The capital stock of the banks in Massachusetts is about forty millions. For the expenses of these banks then, we the people, pay of our earnings more than four hundred thousand dollars per annum.

The bank tax to the State treasury is drawn from the same source, and robs us every year of four hundred thousand dollars more. I shall be answered that it defrays the expenses of the State; what then? Is it just to defray those expenses by a capitation tax? Ought they not to be borne in the ratio of property? But the bank tax, just or unjust, even if it cost the people nothing, has been a curse to this Commonwealth rather than a blessing. It has introduced corruption into the State government, augmenting its expenses more than the whole amount received from the banks. In 1824, a committee of both houses of our legislature reported that the expenses of the State were enormously great, and ought to be diminished. Ever since that time they have been rapidly increasing. In 1825, they amounted to less than two hundred thousand dollars, last year they exceeded six hundred thousand! This we owe to the bank tax, and to that tax we owe the present unparalleled extension of our banking system; the one per cent. to be annually paid to the State operating as a bribe whenever new charters are asked for.

The bank receives interest not only on its capital, but also on that portion of the debts it owes which is represented by its circulation. The people are thus compelled to pay interest first on what they owe the banks, and second on what the banks owe them. For the use of their capital, it is right that they should receive a fair compensation, but the power of putting their own debts in circulation and receiving interest on them as long as they remain unpaid is an exclusive privilege of the banks, and a tax is thereby levied from the people. The whole circulation of the banks by the State returns last September was about eleven millions. The interest accruing on this on banking principles exceeds seven hundred thousand dollars.

The monopoly which the banks enjoy raises the rate of interest to those who wish to effect loans without recourse to banks, and enables the favorites of those institutions to take advantage of the state of the markets, which others, not so favored, cannot do. This monopoly is undoubtedly worth to the bankers and their favorites much more than double the profit they derive from their circulation. Of late years it is the principal object in establishing new banks. It taxes the people more than fourteen hundred thousand dollars a year.

By the combined operation of the banking system and the usury laws, it has become very difficult for any one not belonging to the party of the bankers to obtain money on loan except through the intervention of brokers. The profits paid to brokers for changing notes for money, discount on uncurrent notes, commission for negotiating loans, and the higher rate of interest on money borrowed by them at or below the legal rate, and let again for extra interest, all these constitute another tax which the banking system levies on us. Whoever considers for how small a part of the money let in this State the actual owner receives more than legal interest, while two and even three per cent. a month have been paid on large sums for a great part of last year, will not be disposed to doubt, especially if he recollects that the revulsion in the money market returns regularly every three or four years, that this tax far exceeds three times the profit of the circulation. It is, therefore, more than two millions and one hundred thousand dollars.

Bills lost or accidentally destroyed are also a tax on the public. When a government calls in the metallic currency to be recoined and reissued, the depreciation by friction and clipping is a loss to the government. But when a bank calls in its notes, the whole amount of bills lost, or destroyed by wear and tear, or accident, is so much clear gain to the bank; and not only so, but on double the amount of every bill lost the bank receives compound interest from the day of its loss down to the close of its own existence. Thus for all its bills lost in the year 1817, the United States Bank has received eight times their value. How much the banks abstract from the public in this way cannot be known until the expiration of their charters. The sum is no doubt large; but in the absence of fixed data, I will make no attempt to estimate it.

So also counterfeit notes are a tax on the people, though not to the profit of the banks, yet a part of the price we have to pay for the banking system, a loss falling almost exclusively on persons of small property. They are not as a class so good judges of bills, and counterfeiting is mostly confined to small bills. There are about two hundred known editions of counterfeit bills of the United States Bank, and about nine hundred editions of those of the local banks. How many of each edition ever passed into circulation we have no means of determining, but evidently many millions of dollars of it have been manufactured, and the loss which falls on honest and unsuspecting poverty must be considerable. It is useless to attempt to estimate it.

The loss by the failures of banks, which always have, and always will occasionally happen, is also a tax on the community. By Mr. Gallatin's tables 330 banks were in operation in 1830, and 165 had failed before that date! We boast of the superior prudence with which our banks are managed, and of the safeguards which the laws have established for the protection of the public. The greater security of our New England banking system seems to be as well settled as that there are fewer steamboats blown up on Long Island Sound than on the Mississippi River. Yet the failure of the Farmer's Exchange, Berkshire, Coos, Hillsborough, Keene, Hallowell and Augusta, Wiscasset, Castine, Belchertown, Sutton, Nahant, and Chelsea banks, all in New England, and not to mention more, are quite enough to demonstrate that such catastrophes are by no means impossible. It would be difficult to estimate the total loss they have occasioned.

These are the burdens of legitimate paper money banking, inseparable from the system; and before proceeding to enumerate the evils of over-banking, let us add up these items which no one can deny must always exist wherever banks, having the exclusive power to issue paper money, are to be found. Let us look at the aggregate cost of these institutions, and judge whether they are worth it in any good we receive from them. The account, so far, is stated thus: expense tax, four hundred thousand dollars; State tax, four hundred thousand; circulation tax, seven hundred thousand; monopoly tax, one million and four hundred thousand; brokerage tax, two millions and one hundred thousand; in all, five millions of dollars, — besides lost bills, forged bills, and bank failures, not estimated, for which a round sum might be justly added.

These *five millions of dollars* are mostly the product of hard labor, and by the legerdemain of paper money they are transferred to the pockets of the note makers. Thus a tax is levied on the inhabitants of this Commonwealth of about seven dollars a head, or from thirty-five to forty dollars for each family. What feudal nobility ever gathered a larger tribute from its vassals?

There are one hundred and eighty thousand ablebodied men in this State, the average wages of whose labor cannot exceed two hundred and fifty dollars a year. That rate would give a total of forty-five millions; so that the manufacturers of paper money and their associates convert to their own use one ninth part of the wages of labor. This they do without rendering any equivalent, for this whole tax is exclusive of a fair interest on the actual capital loaned.

A large majority of those who earn the wages of labor are unable to add to them the wages of skill, and very few receive the still higher wages of machinery, yet all bear the burden alike. Though persevering industry and rigid economy will enable a man living solely by the labor of his hands to accumulate something, even under such disadvantages, yet slow and hard must be the process, and it is evident that many can never extricate themselves from a hopeless poverty who might rise, were this weight removed; and that many who now attain a competence only when old age is unfitting them to enjoy it, might have found themselves in easy circumstances of pecuniary independence, in early manhood, if the paper money tax had not borne them down.

We are yet upon the threshold of our investigation. We have examined the effects of our system of banking in its ordinary and natural operation merely. We have not yet touched upon the effects of over-banking. We have, it is true, seen enough to give us some faint conception of the injury a paper currency inflicts on the community, but its most odious and alarming characteristics remain to be exposed. We will develop to the view its calamities, its convulsions, its agrarianism, its paralyzing, desolating, withering influence. Before we have concluded our inquiries we shall be satisfied that there is no other evil in the land, except intemperance, that can be compared for magnitude with paper money; there is no other cause so fruitful of misery, pauperism, and crime.

The first effect of over-banking is wild speculations, the weight of which falls as a tax on the consumers of all foreign and domestic products. Banks, by issuing paper, cheapen the currency, and of course raise prices; rising prices tempt more purchasers into the market, and the competition of purchasers runs up the prices still higher. The banks furnish funds to the speculators, and enable them to hold on their purchases, in order to profit by the rise. The enhanced prices take so much out of the pocket of the consumer, for which he receives no equivalent.

In 1830, the bank capital of the United States was one hundred and forty-five millions of dollars; in 1836, it had risen to *three hundred and seventy-eight millions;* it is now probably about *treble* its amount seven years ago. The paper circulation in 1830 was sixty-one millions; in 1836, it was *one hundred and forty millions;* the highest point it reached was probably about *one hundred and eighty-six millions.* In 1830, the loans and discounts of the banks amounted to about two hundred millions; in 1836, they were *four hundred and fifty-seven millions;* they have since exceeded *five hundred and ninety millions.* The bank capital, circulation, and discounts, having more than doubled, and indeed nearly trebled, in less than seven years' time, the immense and unparalleled speculations we have witnessed, have been the necessary result. Sales of public lands rose from less than two and a half millions in 1830, to more than twenty-four millions in 1836. Lands in Maine were purchased in vast quantities at ten times their former prices. House lots enough were laid out to accommodate two or three times the present population of the nation. The land immediately about New York and within ten miles of that city, which in 1830 was valued at ten millions of dollars, changed hands at prices which would have made the whole amount to over one hundred millions. Our imports increased from seventy millions in 1830, to one hundred and ninety millions in 1836. Prices of all articles of consumption rose, some forty, some sixty, and many a hundred per cent. But the wages of labor, fixed salaries, and compensation for services of all kinds are the last to rise, and the first to fall, in a general change of prices, nor do they fluctuate half so much as articles of merchandise. Laboring men, therefore, suffer most by the rise of prices which speculation occasions. Those who live on fixed salaries, or receive fixed fees, or enjoy the fixed income or interest of funds invested, suffer next, in the enormous tax levied by speculators.

The hundred and eighty thousand laborers in the State might earn, in the best of times, and if they were all temperate and industrious, two hundred and fifty dollars a year upon an average. Of this they would find it necessary to expend, including the taxes of legitimate paper money banking, already estimated, two hundred dollars, laying up fifty at the end of the year, for sickness or old age, or future comfort. In the aggregate then, labor earns forty-five millions, spends thirty-six millions, and lays up at the end of the year a reserved sum of nine millions. In a year of speculation like the last, even if labor had risen to three hundred dollars a year, which it has not, taking the whole mass together, and if the rise in consumable products had been only fifty per cent., and it has been more, the laborer might earn his three hundred dollars; but in order to live as well as in ordinary times he must also expend three hundred dollars, so that at the end of the year he has nothing left. The wages of the year will be fifty-four millions of dollars, and its expenditure fifty-four millions; accumulation, nothing; while without the blighting influence of speculation, labor should have saved nine millions. The losses of those who live upon an income not capable of sudden expansion, such as clergymen, widows and orphans, and old men retired from business, agents and employees of every sort, are at least two thirds as much more, or six millions. Those workmen who earn the additional wages of their skill, or of some cheap machinery which they employ, generally invest their earnings either in articles of immediate consumption, or in tools, stock in trade, land, buildings, and repairs upon them, and furniture. On all these, their loss by the artificial prices cannot be less than three millions of dollars. The total of these three sums is eighteen millions; and as under our banking system we may expect to suffer under speculation prices at least one year out of three, one third part of that sum will be the annual amount of the speculation tax, or six million dollars.

But all this is independent of the fortunes lost by those engaged in trade and commerce, and the sacrifice submitted to by one of the parties to every contract, by the fluctuations in the money market, which follow each other at intervals of about three years, rising and falling with as much regularity as the billows of the ocean, and having always a smaller series of intermediate waves between the billows. These fluctuations are the natural result of the banking system, and will always grow out of it. When confidence begins to return after one of our terrible convulsions, prices, from the mere fact that they had fallen too low, begin to rise. This gives business an impulse, and disposes dealers to borrow money and make purchases. There is a competition between those who wish to supply themselves, as they are all anxious to lay in their stock of goods before there is any essential advance. The banks are willing to loan freely for this purpose, because purchases at the low prices being perfectly safe, they are secure of repayment. Each bank can enlarge its discounts and loans, because, as all the other banks are doing the same, its bills are not forced home upon it for redemption. The more money is issued, the more purchases are made; and prices rise both from depreciation of the currency, and from the briskness of the demand. The faster prices rise, the more pressing will be the applications to the banks for loans; and the banks, as their first object is to make large dividends, will grant these applications as long as confidence continues. New banks are created; old banks push to the verge of prudence. More goods are imported, more goods are manufactured, production of every kind is over stimulated.

There must, however, be a pause in this progress. Either from the depreciation of the currency, specie becomes of less value here than abroad, and is therefore exported; or the market is so glutted with products, that buyers are indifferent about taking them off the hands of holders, in which case a competition arises among the sellers which runs down prices; or a suspicion springs up in the minds of capitalists, or of the bankers themselves, and finally of the whole community, that prices artificially high are unsafe, and must fall. From whatever cause it happens, when once confidence is shaken, the banks, willing or unwilling, must contract. They find themselves in a precarious situation, and to fortify themselves, they call in their paper, and diminish their discounts. Contraction once begun, must go on, by a necessity as irresistible as the decree of fate, for every bank sends home the paper of every other bank. By the contraction, money is restored to its true value, prices are reduced again, and the improvident, surprised with large stocks on hand, are ruined.

It is in the power of a combination of banks, or of one mammoth bank, to increase these periodical fluctuations, or to create lesser intermediate vibrations, for their own advantage, at pleasure. In June, 1819, a leading press, Niles's Register, complained, and justly too, that "We have now indubitable evidence that twenty-five men at Philadelphia can make money plenty at their own will and discretion — an immense command over the nation, by fixing the value of every acre of land, and of any other species of property, from the lowest point of Florida, to the Lake of the Woods." It might with more truth have been alleged four years ago that one man in Philadelphia possessed this power, and the nation felt soon afterwards that he did not scruple to use it.

A bank with a capital of thirty-five millions can make its managers and their favorites rich, at a single operation, by making money alternately plenty and scarce. Having first secured large loans to its favorites as a permanent accommodation for twelve months or more, they then contract their discounts suddenly. This compels all the lesser banks to curtail their accommodations and collect their debts rapidly. In three or four months time thus sinks prices a fourth or even a third. Then the managers invest their funds to the best advantage, and the arrangements being completed, the bank floods the country with its notes again, and the lesser banks, freed from the pressure of balances against them, follow its example; and money instantly abounds and property assumes higher values than before its fall. The speculators sell at the highest point, the bank itself furnishing the purchasers with funds if necessary. When the golden harvest is fully reaped, they may make money scarce again, and prepare for another.

In describing this process, Mr. Niles, in 1819, used this strong language: "At the end of the year, the managers in the scheme realize from fifty to one hundred thousand dollars each, which they may be said as completely to rob the people of, as if, with pistol in hand, they took the money from travellers on the highway. Indeed, the last should be considered the most honorable." These expressions are not too severe; they were wrung from sober men at that time, by the torture which the United States Bank inflicted, when it first regulated the currency, much as one might regulate the packing of gunpowder, by clapping a coal of fire into a cask of that article. The bank no sooner touched the currency than a universal explosion ensued, scattering the broken fragments of credit over the South and West, and covering the land with the wreck of blasted hopes, enterprise arrested, commerce stagnant, industry prostrate, mutual confidence annihilated, and the whole business intercourse of society thrown into a chaos of irremediable confusion. Mr. Niles's phrase was, "the bank was saved, but the country was ruined." Their agony under the screws of the great engine, may excuse the sufferers under the first regulation for the intemperate warmth of such remarks. The victim broken on the wheel is not expected to groan with grace and decorum. It is fashionable, now-a-days, to speak more tenderly and respectfully of this mode of conveying one man's property into another man's pocket, and no one I think would venture to compare it with highway robbery.

It is neither to be asserted nor intimated, because it cannot be proved, that the directors of banks, often with a deliberate design, create a pressure in order to take advantage of it, as just now described; but the effect on the community, of the fluctuations produced by banks, is of the same nature, even in the absence, which we believe is generally the case, of any injurious intention on the part of the managers of those institutions. In times of scarcity, the directors and their friends are naturally accommodated before strangers. Those who stand at the source of the stream drink first. With scarce money, they buy at low prices. When prices are rising and money easy, then it is that the banks discount freely, because they then can do it, not being pressed or run upon. Then it is that the knowing ones sell, because then they can sell highest, and pay their debts to the banks, because just then a loan is no favor. A large balance of profit remains in their hands, and as soon as a falling market and contracted issues have brought about the proper moment to enter on a new speculation, they are ready to borrow and buy again.

But it is not only the favored borrowers from banks who tax the people through these fluctuations, if it were, that tax has been reckoned already in speaking of the advantage they gain from their monopoly. But the whole amount of property transferred by the fluctuation, vast as it is, is a tax on the losers, which the banking system has enabled the gainers to levy on them. We have not the means of determining definitely the amount under this head, though we have facts which will assist in forming an idea of its magnitude.

In eighteen months previous to June of last year the discounts of the banks had increased one hundred and eighty millions of dollars. Of course this additional sum was invested in various ways at the high prices of that period, and the sellers at those prices pocketed the whole advance. Suppose the sums of which this aggregate is composed to be expended in transactions averaging six months from their inception to their completion, each sum would then make two purchases in a year, and the additional discounts would represent purchases in one year to the amount of *three hundred and sixty millions* more than the legitimate business of the country at average prices. Of this whole sum, about one third part is not yet paid off, constituting the extra debts of the people beyond their immediate means of payment, and composed of about fifty millions foreign debt, and seventy millions domestic debt, besides all ordinary indebtedness in the common course of business. That these estimates are not extravagant might be shown in many ways. In January, 1835, the bank note circulation was one hundred and three millions: January, 1836, it was one hundred and forty millions: increase during the year, to be paid in extra prices, thirty-seven millions: increase during the next year, rather more. Now allowing every dollar to make ten payments in a year, which is Mr. Gallatin's estimate, but which is much too low, the whole amount of extra prices paid in the year above the standard of the circulation of the first of January, would be *three hundred and seventy millions*, about the same sum as before.

Look at some of the items. Cotton, which averaged about ten cents a pound for eight years before 1833, last year averaged sixteen or seventeen cents. Every cent advance on the pound is a rise of near five millions of dollars on the crop. Cotton having risen at this enormous rate, speculations in cotton lands and in negroes were proportionally extensive. The purchase of public lands, referred to already, is nothing compared to these. The negroes imported into Alabama last year, cost more than ten millions of dollars. Those carried into the Southern cotton country together, cost at least forty or fifty millions. The growth of the State of Mississippi will illustrate this fact. In 1830, it had 136,000 inhabitants; in 1837, by the census just taken, it had 302,000, an increase of 121 per cent. in seven years. In the same time the slaves in that State have increased from 65,000 to 162,000, an increase of 146 per cent. in seven years, or 25 per cent. a year. Cotton lands have been bought as high as forty dollars an acre, and slaves at fifteen hundred dollars, and fortunate will it be for creditors if the next two crops prove sufficient to pay off the balance of debt remaining.

If the whole capital employed in the growth of cotton is to be reckoned at eight hundred millions of dollars, at prices two years ago, a rise of 25 per cent. only during the last year, would amount to an artificial advance of two hundred millions.

In New York the sales of lands at auctions in the city, during the last two years, exceeded thirty-eight millions. The fall on the price of stocks mostly owned in that city, this spring, was estimated at twenty millions, by the committee of merchants sent on to Washington, who also estimated that merchandise of all sorts had fallen in that city at least 30 per cent. The price of pork, flour, bread stuffs, had been double what it was six years before.

From these facts it is evident that the losses by fluctuation far — very far, exceed the sum that has been named. Of this sum of three hundred and sixty millions, one eighteenth part at least, falls on Massachusetts, making her share twenty millions. As the fluctuation is continually going on, the loss is annual.

On account of these fluctuations, no contract involving the payment of money can be equitably performed. One party or the other is defrauded by the alteration in the standard of value. Either the debt is paid in a cheaper medium whereby the creditor is deprived of his due, or in a medium of enhanced value, to the injury of the debtor, and often to his total ruin.

But in taking into account the losses which grow out of these revulsions, we must not stop at the mere rise and fall of prices. The bankruptcies at every revulsion tax the community heavily; the banks are generally secured on account of the indorsers, for if these institutions bore their share of the losses in proportion with other creditors, the business must have been abandoned long ago. It is impossible to measure this tax. In New York, where overtrading has been pushed to a great excess, the imports last year amounted to $118,885,194, the failures have been more numerous than ever before known. Two hundred and fifty large houses failed in two months. In New Orleans, where the banking mania had gone to the wildest extremity, the capital of the banks in that city being $54,554,000, of which the sum of $36,769,455 is paid up, the failures were for the most tremendous amounts; such as were never before heard of in the United States. The New Orleans True American of the 13th of April, says, "On Wednesday the largest cotton house in the southern country went by the board for fifteen millions of dollars. * * * * The other houses that have suspended are estimated at about twelve millions." These houses had all large assets; yet the cotton monopoly fostered by the immense banking capital of the city, was not only injurious to the public at large, and to all smaller cotton traders, but having inflicted severe losses on their creditors, it ended in the ruin of the monopolists themselves. They fell blasted before it, like the magician before the demon he has conjured up. In Boston, before the stoppage of specie payments, out of thirteen hundred and seven wholesale and retail establishments, there had been one hundred and sixty-eight failures; but the citizens of this State have suffered by failures in other States as well as their own, to an enormous extent.

The losses to the people of Massachusetts, from bankruptcies growing out of our paper money system cannot be less than six millions a year.

In addition to all the losses by the fluctuations of our mixed currency, there is now to be reckoned an actual depreciation of the best bank paper below the specie standard. On the 10th of May last, the banks in New York stopped specie payment; those of Philadelphia and Baltimore stopped the next day, those of Boston on the 12th, and those of New Orleans on the 13th. The country banks were of course compelled to stop, however much they might regret the necessity. On the 11th of May, one hundred dollars in specie were worth, in New York city, bills of the nominal value of one hundred and six dollars. On the 1st of June, bills of one hundred and nine dollars, and on the 24th of June, one hundred and twelve dollars, were required to purchase one hundred dollars in hard money, — a depreciation more rapid than that of continental paper during the first year it was issued. On the 3d of July, bills were one hundred and twelve for one hundred.

By the last bank returns of this State, their circulation and deposits together exceeded twenty-six millions. By a depreciation of 12 per cent., bill holders and depositors would lose three millions on that sum. Those who pay their debts in bad paper gain the amount of the depreciation, and by paying off creditors at ninety cents or less on a dollar, may be preserved from bankruptcy: but those who receive the paper for debts, or are obliged to make purchases with it, lose to the same amount. This is already allowed for in speaking of the losses by the fluctuation of the currency, except the loss in the hands of holders while it falls.

These, then, are the pecuniary results of a paper money monopoly system, not that we have made exact estimates, but the sums assumed are below the reality, and yet quite large enough to illustrate the subject fully. Let us look at their aggregate amount.

Legitimate banking taxes, as before, five million dollars; speculation tax, six million; fluctuation tax, twenty million; bankruptcy tax, six million; depreciation tax, three million; aggregate burden of the present paper system, forty million: a sum equal to the actual capital employed.

That this sum is below the actual annual amount of the losses sustained by the operation of the paper system, no one can doubt who will take pains to examine the subject. It is indeed very far from the fact that this whole sum of money is taken from one set of individuals exclusively, and bestowed altogether upon another set. If it were so, we should have been divided into lords and paupers, long ago. Most of those who generally gain by the system, occasionally lose by it; and many of those who lose in the long run, occasionally come in for a share of the profits. If these losses and gains of each individual would in a long series of years balance each other, even then the injustice would be gross and the effect highly demoralizing. If every man were compelled every week to put all his surplus earnings into a State lottery, would he be reconciled to this arrangement, because, in the course of his life, he might reasonably expect to draw a prize or two, equal to all he had paid for? In the currency lottery, the prizes are by no means equally distributed: those who pay for most of the blanks, find their turn seldom comes for a prize, and when at last it does come, their prizes are very small.

That the man who loses by the banking system in various ways, one hundred dollars, gains also by it in various other ways sixty or eighty dollars, does not lessen the injustice of any separate loss, still less does it do away the injustice of that final balance of loss of twenty or forty dollars, to which he must after all submit. The use of banks is a game partly of chance and partly of skill; the best players lose sometimes, and the worst players do not always lose; yet in a long game the best players always go off with the largest winnings. It may be that ninety out of a hundred lose more than they gain; nine more gain enough to overbalance their losses; one out of a hundred gains decidedly; one out of a thousand makes himself rich, and one out of ten thousand builds up a princely fortune.

This general effect of paper money banking, in the excess to which it naturally tends, was admirably depicted by the late President of the United States in his message at the commencement of the second session of the twenty-fourth congress. His views are thus expressed, in his usual plain and decided manner: —

" Variableness must ever be the characteristic of a currency, of which the precious metals are not the chief ingredient, or which can be expended or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

"The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that although their wages are nominally the same or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise, and gradually reach a justly proportioned rate to that of the products of their labor.

"When thus by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate, and maintain uniformity and moderation in prices. It is then perceived, that the enhancement of the price of land and labor produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries; and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; *the next step is a stoppage of specie payment;* a total degradation of paper as a currency; unusual depression of prices; a ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists."

The theory thus laid down by the president has been followed out in its operation, by showing the modes in which this accumulation in the hands of capitalists and creditors, and this loss to the laboring classes and ruin of debtors takes place. The summary is so frightful as to fully justify the strong language used by Daniel Webster five years since.

"Of all the contrivances for cheating the laboring classes of mankind, none have been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's fields by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation, these bear lightly on the happiness of the mass of the community compared with fraudulent currencies, and the robberies committed by a depreciated paper. Our own history has recorded for our instruction enough and more than enough of the demoralizing tendency, the injustice, and the intolerable oppression, on the virtuous and well disposed, of a degraded paper currency, authorized by law, or in any way countenanced by government."

That an aristocracy having in its hands such sources of revenue, and able to wring from the people so large a portion of their honest earnings, would push its advantages to the utmost, is to be expected; indeed, it is inevitable. Never did they relinquish their hold upon the spoils voluntarily. The power to do wrong becomes a vested right in the view of him who has long possessed it. Those who understand perfectly well the nature of "the robberies committed by a depreciated paper," will be loudest in their indignation at any attempt to resist or put an end to those robberies.

A great crime, a national crime, has been committed, and is still persisted in, — the crime of cheating the laboring classes by the delusion of paper money, — fertilizing the rich man's field by the sweat of the poor man's brow. Who, then, are guilty of this heinous crime; for the innocent must not share the shame; who are the guilty?

Not every stockholder of a bank, not every officer of a bank, not every borrower from a bank, not every trader or capitalist, who has profited by the fluctuations caused by a paper currency. Oh, no! We should do them great injustice if we set down all these as our enemies, when among them are many of our best friends, — friends who are ready to witness their sincerity by cheerfully submitting to great sacrifices to restore a wholesome currency. The system is riveted upon us. It has insinuated itself into all business intercouse, so that no business man can keep clear of it, any more than he could keep clear of cold, if he had been born in the frigid zone, or of heat on the sands of the great desert, for paper money is all-pervading as the atmosphere. We might as well proscribe every man who takes a bank bill as every man who owns a bank share, or assists in managing a bank, for it is the bill holders, ultimately, who produce the fluctuations: if they refused to receive paper it could not be issued. There are thousands, tens of thousands who abhor irredeemable paper, and will go as far as any man to suppress the mischief, but who cannot, so long as bad legislation forces it upon them, disentangle themselves from the system, without neglecting duties they are bound to discharge, and abandoning the station in which Providence has placed them. A sober man may disapprove of war, and of all preparation for war, yet if the government has established a powder magazine in the heart of his village, it is better that he should keep it than a drunkard or a lunatic.

In the debate on the charter of the United States Bank, John Randolph said, that he owned no stock whatever except live stock, and had determined never to own any: but if this bill passed, he would not only be a stockholder to the utmost of his power, but would advise every man, over whom he had any influence, to do the same, because it was the creation of a great privileged order of the most hateful kind to his feelings, and because he would rather be the master than the slave. Without going quite this length with Mr. Randolph, many feel justified in defending themselves with the same weapons with which they are attacked, though anxious to prohibit the use of those weapons to all. These are on our side, and we must not make war upon them, for without their assistance we shall never be able to reduce the trade in money to an equal footing with all other trades. To whom, then, does the guilt belong, for it must fall somewhere?

To those who fastened the system on us, who uphold and defend it, who oppose all efforts to abolish it or mitigate its evils, who are determined to perpetuate it, with all its most grievous abuses. To all who sustain it by their votes in the national or State legislatures. To all who vote for the bank candidate for president of the United States; the bank candidates for congress; the bank candidate for governor of the Commonwealth; paper money partisans for State senators and representatives. Among these are thousands who own no bank stock, and who groan under the curses they invite. If they kneel for the rider to mount, who can pity them when they feel the spurs?

Who have fastened the system upon us? Clearly those who profit by it, the aristocratic, or whig party, so called because they somewhat resemble the party in Great Britain, thus described in the Edinburgh Review, "*the strength of the whigs lay in the great aristocracy, in the corporations, and in the trading or moneyed interests.*" Look at their course in Massachusetts. In the spring session of 1835, there were many petitions for new banks. Some few whig presidents and directors of banks opposed petitions asking for a share in their monopoly; but the majority of the whig party voted to grant them. The whole democratic party opposed them, as did many nominal whigs, with democratic consciences, from among the yeomanry, and they were defeated. All the support they received came from whigs; the most ardent opposition they encountered was from democrats. If one fourth part of the democrats in the legislature had supported them, they would all have passed, and a numerous litter of banks would that year have cursed the State.

In the fall season of the same year, an order discharging the committee on banks, and most other committees, and confining the action of the house to the Revised Statutes, was reported by a democrat, most violently and repeatedly assailed by prominent whigs, sustained by the reporter, and the whole democratic party, in five distinct and most animated debates, and with the aid of votes from the semi-whig farmers, carried and adhered to. Had that order been rescinded, the door would have been opened for all the bank petitions of the former session.

In 1836, petitions came in asking, in the aggregate, for an increase of the bank capital of the State from thirty millions to fifty-six millions, and the bank capital of Boston and its immediate vicinity, from eighteen millions to double that amount. The whig leaders, the Suffolk delegation, and a large majority of the whig members, went for the petitions. The democrats went in mass against them. The semi-whig farmers discriminated and passed bills for about ten millions, rejecting the petitions for the other sixteen millions.

Of all the rejected petitions the most formidable was that for the ten million bank. The whole aristocracy of the city and country enlisted to carry it through. They commanded the unanimous vote of the representatives from Suffolk county, and all the thorough-going whig partisans. The language of Mr. Burke, with very little alteration, describes the contest and result.* The debate lasted in the house, with intervals, for weeks. It opened the eyes of several to the true state of affairs; it enlarged their ideas; it removed prejudices; it harmonized opinions. At its conclusion, the house, by an independent, noble, spirited, and unexpected majority, in the teeth of all the old mercenary Swiss of State, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of party hacks and willing instruments rejected the bill. That majority was not afraid to look steadily in the face that glaring and dazzling influence at which the eyes of eagles have blenched. They looked in the face one of the ablest, and not the most scrupulous combinations ever formed in this State, and which embodied the whole power of wealth. Every sort of intrigue, artifice, and negotiation was carrying on. Persuasion and argument, conviviality and intimidation were exhausted. Every thing on every side was full of traps and mines. It was in the midst of this chaos of plots and counterplots; it was in the midst of this complicated warfare against public opposition and private treachery, that the firmness of the democratic party was put to the proof. They never stirred from their ground; no, not an inch. They remained fixed and determined in principle, in measure, and in conduct. They practised no managements. They secured no retreat.

If one of our majority had gone over to the enemy we should have been defeated, yet the weakest in our phalanx withstood the onset with alacrity and confidence. Every one of them might have said truly in Mr. Burke's words, "I declare for one, I knew well enough (it could not be concealed from anybody) the true state of things; but, in my life, I never came with so much spirits into the house. It was a time for a man to act in. We had powerful enemies; but we had faithful and determined friends, and a glorious cause. We had a great battle to fight; but we had the means of fighting; our arms were not tied behind us. We did fight that day and conquer."

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* Speech on American Taxation, 19th of April, 1774.

From that victory the democracy of Massachusetts received new life and vigor. We came into the legislature of the present year recruited in numbers, and with renovated strength. Again bank petitions swarmed as before. Again the whole weight of whig influence was thrown into their scale. Again a large majority of whigs went for the petitions, but a few nominal whigs had the independence to vote with the democratic party, and again the petitions were rejected.

We shall go into the next legislature stronger than ever. We shall charter no more banks; but we shall ascertain how many members of that body will agree with John Quincy Adams, that "the violation of moral principle, committed by a bank in suspending specie payment, is not inferior to that of fraudulent bankruptcy in an individual. The right of any legislature to authorize such a suspension is questionable, and the repeal of laws expressly enacted to enforce the fulfilment of contracts, at the very moment when they have been broken, is mockery of all moral principle, and a scandal to human legislation."

The aristocracy has lately come before the country more distinctly than ever, as the bank party. The coalition evidently intend to fight over again the battle for a national bank in which they were defeated in 1832. They cannot at this moment agree upon the precise plan of the institution they would establish, and the difficulty of determining the details may cause some delay in bringing forward their project; but the hope of a national bank is their only bond of union. The whigs profess that the revolution of 1688, from which they derive their name, "was a revolution in favor of property." They believe that "it is the part of wisdom to found government on property." They "avow their belief that in a great majority of cases, the possession of property is the proof of merit." They hope to become much more meritorious, if the government can be founded on their property, by creating a national bank, and investing it with controlling power: for this result they would effect a revolution.

The merchants doing a moderate business would be crushed and ground into the dust beneath the wheels of this ponderous engine, as so many thousands of their predecessors have been, yet many of them are still ready to cast themselves before the car of Juggernaut, at the bidding of their political priesthood, and perish for the glory of the money king. They are as much incensed against the government which has delivered them from their oppressor, as the Hindoos are with the government of India for its efforts to suppress the Thugs.

"It is impossible to conceal from ourselves that we are at this moment on the brink of a dreadful precipice; the question is whether we shall submit to be guided by the hand which hath driven us to it, or whether we shall follow the patriot voice which has not ceased to warn us of our dangers, and which would still declare the way to safety and to honor."* Did the administration advise the rechartering of the United States Bank by Pennsylvania? Did the administration advise that the number of banks, the amount of bank capital, of loans, and of paper circulation should be more than doubled, nay, almost trebled, within six years? Did the administration urge the banks to issue more notes than they could redeem; the merchants to import more than they could pay for; and to supply the retailers with more goods than they could dispose of? Did it instigate thousands of young men to abandon the cultivation of the soil, and throng to the great cities to embark in the lottery of trade? Did it run up the prices of articles of commerce? Did it encourage speculators to invest immense amounts in fancy stocks, in products, house lots, and public lands? Did it recommend the distribution bill, to withdraw, in four payments, near forty millions from the channels of commerce? These are the causes of our distress, and against these it has never failed to remonstrate; it has not ceased to warn us of our dangers. The bank party have driven us towards the precipice, over which they would now compel us to plunge. The administration has labored faithfully to avert impending evils. The bank veto was intended to put an end to that great disturbing power over the currency, which has made its successive expansions and contractions so sudden and terrible. The removal of the deposits paralyzed the destructive energy with which the bank was then waging war on credit and industry, and prepared the community for the redemption of its notes and the collection of its debts by that institution, if it had been disposed to acquiesce in the decision of the nation. The specie circular checked the frauds, speculations, and monopolies in the public lands; checked the excessive bank credits in the West; checked also, the overbanking and overtrading of the Atlantic cities from which it retained specie; secured the safety of the treasury receipts; strengthened the western banks, and thereby lessened the losses of the merchants on the seaboard by their inland debtors; and by retarding the exportation of gold and silver to England, made the resumption of specie payments possible, whenever the honest indignation of the people shall compel the banks to the performance of their promises. The suppression of small bills, so repeatedly and urgently recommended by the administration, and adopted in several of the democratic States, strongly tends to discourage the ruinous extension of bank issues and bank credits. Mr. Huskisson, in his speech of February 10th, 1826, said, that "it was his opinion, an opinion not hastily formed, but the result of long and anxious observation, that a permanent state of cash payments, and a circulation of one and two pound notes, could not coexist." Our late experience has abundantly confirmed Mr. Huskisson's opinion. If we had no bank notes under fifty dollars, the late stoppage of specie payments would never have taken place. The collection of the government dues in specie is not only necessary to enable the government to go on, but is the only course which could prevent the sudden withdrawal of protection from our manufactures, to an amount greater than that which the whigs of the Massachusetts legislature resolved would be "*the death warrant of the manufacturing establishments of New England.*" It is the only course which could prevent great inequality in the duties levied at different ports, and the consequent transfer of business to those points where the currency had depreciated most, to the ruin of our own merchants. It is the only course which could keep specie in the country, so as to give us a chance of the return of a sound currency without running through the miseries of assignats and continental paper. As the wisdom of whiggery lately threatened insurrection because the government would not usurp the arbitrary power to dispense with the laws and violate the Constitution, for the sake of thus ruining our merchants, signing the death warrant of our manufacturing establishments, and fastening upon us the curse of irredeemable paper, it may be well to remember the sentiments of the whig oracle upon the same question years ago. In 1816, Mr. Webster spoke wisely thus: "There is no nation which had guarded its currency with greater care; for the framers of the Constitution, and those who enacted the early statutes, were hard money men. They had felt, and therefore duly appreciated the evils of a paper medium. They therefore sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin."

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* Junius.

"This government has a right, in all cases, to protect its own revenues, and to guard them against defalcation by bad or depreciated paper."

"The only power which the general government possesses of restraining the issues of the State banks, is to refuse their notes in the receipts of the treasury."

"With a perfectly sound legal currency, the national revenues are not collected in this currency, but in paper of various sorts, and various degrees of value. * * * Not being, however, a part of the legal money of the country, it could not, by law, be received in the payment of duties, taxes, or other debts to the government." But being payable, and paid, on demand, it had been received, etc.

During the war, the banks issued immense quantities of paper. "The consequence immediately followed, which it would be imputing a great degree of blindness both to the government and to the banks to suggest that they had not foreseen. The excess of paper which was found everywhere created alarm. Demands began to be made on the banks, and they all stopped payment. No contrivance to get money without inconvenience to the people, ever had a shorter course of experiment, or a more unequivocal termination. The depreciation of bank notes was the necessary consequence of a neglect or refusal on the part of those who issued to pay them."

"The depreciation has not been and is not now uniform throughout the United States. Taxes and duties collected in Massachusetts are one quarter higher than the taxes and duties collected by the same laws in the District of Columbia."

"Can a greater injustice than this be conceived? Can constitutional provisions be disregarded in a more essential point? Commercial preferences also are given, which, if they could be continued, would be sufficient to annihilate the commerce of some cities and some States, while they would extremely promote that of others. * * * Surely this is not to be endured. Such monstrous inequality and injustice are not to be tolerated. Since the commencement of this course of things, it can be shown, that the people of the northern States have paid a million of dollars more than their just proportion of the public burdens."

Because the executive refused to be guilty of this "monstrous inequality and injustice," "sufficient to annihilate the commerce of some cities, (Boston,) and some States," (Massachusetts,) the late representative from Boston declared in a meeting of those dependent on the commerce of Massachusetts, that no people under heaven were ever before so trampled upon by their government. Let us see how Mr. Webster regarded this trampling.

"If congress were to pass forty statutes on the subject," said the oracle, in 1816, "they could not make the law more imperative than it now is, that nothing should be received in payment of duties to the government but specie. The whole strength of the government, I am of opinion, should be put forth to compel the payment of the duties and taxes to the government in the legal currency of the country."

The "Expounder of the Constitution," called the receipt of the bills of non specie paying banks, "a state of things which everybody knows to exist *in plain violation of the Constitution*, and in open defiance of the written letter of the law."

"It is quite clear, that by the statute all duties and taxes are required to be paid in the legal money of the United States, or in treasury notes."

"Wars and invasions are not always the most certain destroyers of national prosperity. They announce their own approach, and the general security is preserved by the general alarm. Not so with the evils of a debased coin, a depreciated paper currency, or a depressed and falling public credit. Not so with the plausible and insidious mischiefs of a paper money system. They insinuate themselves in the shape of facilities, accommodation, and relief. They hold out the most fallacious hope of an easy payment of debts, and a lighter burden of taxation. On these subjects it is that government ought to exercise its own peculiar wisdom and caution. It is bound to foresee the evil before every man feels it, and to take all necessary measures to guard against it, although they may be measures attended with some difficulty, and not without temporary inconvenience."

"I repeat the opinion, that it was the duty and in the power of the secretary of the treasury, on the return of peace, to have returned to the legal and proper mode of collecting the revenue. * * * It can hardly be doubted, that the influence of the treasury could have effected all this."

"As to the opinion advanced by some, that the revenues cannot be collected otherwise than as they are now, in the paper of any and every banking association which chooses to issue paper, it cannot for a moment be admitted. This would be at once giving up the government; for what is government without revenue, and what is a revenue that is gathered together in the varying, fluctuating, discredited, depreciated, and still falling promissory notes of two or three hundred distinct, and, as to this government, irresponsible banking companies? *If it cannot collect its revenues in a better manner than this, it must cease to be a government.*"

"If taxes be not necessary, they should not be laid. If laid, they ought to be collected without preference or partiality."

Mr. Webster continued to a very late date to express similar opinions, though his conduct, in the view of many, forms a singular contrast to them. At New York, on the 15th of March last, he said: "I abhor paper; that is to say, irredeemable paper, paper that may not be converted into gold or silver at the will of the holder." And again: "I hold this disturbance of the measure of value, and the means of payment and exchange, this derangement, and, if I may so say, this violation of the currency to be one of the most unpardonable of political faults. He who tampers with the currency robs labor of its bread. He panders, indeed, to greedy capital, which is keen-sighted, and may shift for itself; but he beggars labor, which is honest, unsuspecting, and too busy with the present to calculate on the future. The prosperity of the working class lives, moves, and has its being in established credit, and a steady medium of payment. All sudden changes destroy it. Honest industry never comes in for any part of the spoils in that scramble which takes place when the currency of a country is disordered. Did wild schemes and projects ever benefit the industrious? Did irredeemable bank paper ever enrich the laborious? Did violent fluctuations ever do good to him, who depends on his daily labor for his daily bread? Certainly never. All these things may gratify greediness for sudden gain, or the rashness of daring speculation; but they can bring nothing but injury and distress to the homes of patient industry and honest labor. Who are they that profit by the present state of things? They are not the many, but the few. They are speculators, brokers, dealers in money, and lenders of money at exorbitant interest. Small capitalists are crushed, they have no longer either money or credit. And all classes of labor partake, and must partake in the same calamity."

On another occasion he described that "miserable, abominable, and fraudulent policy, which attempts to give value to any paper of any bank one single moment longer than such paper is redeemable, on demand, in gold and silver." He asserted that such paper "represents nothing but broken promises, bad faith, bankrupt corporations, cheated creditors, and a ruined people."

While such professions were yet ringing in the ears of the American people, it was hardly to be expected that the expounder would second the insurrectionary movements of his friends in Boston, New York, and other cities. Indeed, to do him justice, he has too much sagacity to suppose that the yeomanry of the country would commit treason for the privilege of being cheated with paper money. Accordingly, in his late speech at Cincinnati, he stated explicitly that the administration, under existing circumstances, could take no other course than to exact specie. The city rebels, therefore, disavowed by their leader, and having had time to meditate on the course and fate of Shay's rebellion, have thrown down their weapons and disbanded. They no longer talk of forcible resistance, but they still rail at the bank veto, the removal of the deposits, and the specie circular, and oppose the suppression of small bills; while they justify the suspension of specie payments by the banks, and advocate a national bank. The remark of Fisher Ames in 1787 is not out of date at the present time: —

"In spite of national beggary, paper money has still its advocates, and probably of late its martyrs. In spite of national dishonor, the continental impost is still opposed with success. Never did experience more completely demonstrate the iniquity of the one, and the necessity of the other. But in defiance of demonstration, knaves will continue to proselyte fools, and to keep a paper money faction alive. The fear of their success has annihilated credit, as their actual success would annihilate property."

A national bank cures none of the evils of paper money banking, but enhances them all. It increases all the *expenses* of the system, for the great bank, being on a more magnificent scale than any other, sets an example of extravagance to all the rest, which by degrees they follow. It vastly increases the *fluctuations* of the currency, for the smaller institutions bank upon its paper, as they otherwise would upon specie; and as this paper is much more easily obtained than specie, while the bank is expanding, it makes the general expansion more rapid; and as it is more suddenly withdrawn than specie, when the great bank contracts, it makes the general contraction more sudden. If the State banks issued paper on a specie basis, the fluctuations of the paper currency would still be a great evil, but how much greater must be the fluctuation, when the basis itself is an elastic medium, which expands when it ought to contract, and contracts when it ought to expand. It of course increases the *depreciation*, which must be greater in proportion as the whole amount of paper out exceeds the specie.

That such an institution fosters more than any other the spirit of *speculation*, is too evident to need proof. The larger the bank, the more enormous will be the speculations it occasions; and these enormous speculations, deranging prices, will engender innumerable smaller operations of a similar character. April 9, 1832, the loans of the mother bank, at Philadelphia, made that day, were: —

In one loan over	$400,000	$417,766
4 loans not less than	200,000	995,456
3 “ “ “ “	100,000	341,729
19 “ “ “ “	50,000	1,274,882
72 “ “ “ “	20,000	2,404,278
		$5,434,111

leaving less than a tenth part this amount, $529,974 only, to be divided in sums less than twenty thousand dollars, among all the rest of the community. The speculations into which men launch with such facilities, terminate in *bankruptcies* of a proportionate magnitude.

A national bank is the great parent of forgery. Small banks having a local circulation, their bills are less extensively counterfeited because the chance of detection is greater, the fraud sooner becomes impossible, the field to operate in is not so wide. From 1797 to 1819, the prosecutions for counterfeit notes of the Bank of England were 998; the convictions were 843, of which 313 were capital. The counterfeit notes detected at the bank alone, during six years and three months of that time, were 107,238 one pound notes; 17,787, two; 5,826, five; 419, ten; 54, twenty; 35 above twenty pounds. If more than twenty thousand a year are detected at the bank, how shall we estimate the numbers detected elsewhere?

The verdict of history is decisive against national banks. The Royal Bank of France was one of the most flattering and fatal delusions. Never was a financier more popular than John Law, its founder. Never was a country more prosperous than France seemed before that bubble burst. An eminent French writer of that time called the projector, "a minister far above all that the past age has known, that the present can conceive, or that the future will believe." All France was seized with a rage for speculation. "All the world," says Postlethwaite, "ran to Paris." There were half a million of new comers in the city. Twelve hundred new coaches were set up. As fast as new blocks and streets could be built up, lodgings could not be had. The reaction shook the social fabric to its base. Gloom and despair were inmates with every household. Four hundred thousand fortunes had been sacrificed, and the State loaded itself with a specie debt of sixteen hundred and thirty-one millions of livres. The amount of its paper in circulation at the time of the crash was four hundred and nineteen millions of dollars, not so much beyond our own paper circulation, in proportion to the population, as the terms in which this bank is usually described would naturally imply, while the specie thrown into the bank in March and April 1720, exceeded fifty-six millions of dollars, an accession of hard money such as our banks never received, in so short a time. John Law died at Venice, in 1729, never relinquishing for a moment the firmest conviction of the solidity of his system, the disastrous failure of which he attributed entirely to the malice of his enemies; and thousands of his disciples entertained the same belief for many years.

The present bank of France was established in 1803; and though, issuing no small notes, its circulation is comparatively steady, yet it has twice produced considerable distress; in 1806, when it occasioned numerous failures, and again in 1814, when it became so embarrassed that the government were obliged to limit its specie payments.

But the Bank of England is the model of American bankers. Its history is full of instruction and warning. In 1693, in the midst of national disasters both the people and the ministry were weary of the war, which produced nothing but disgrace, but which William was obstinately bent upon continuing. He, therefore, brought in a whig ministry, whom he expected to find tractable, partly from the ambition of being courted by the crown, and partly from the prospect of gain from advancing money to the government. The most scandalous practices in the mystery of corruption were at that time exercised in grants, places, pensions, and salaries to members, whereby the House of Commons was so managed that the king could quash all grievances, stifle the examination of accounts, and defeat any bill. When these practices were exposed, mere shame forced through both houses a bill for free and impartial proceedings in parliament, to which bill, the king, with the concurrence of his whig ministry, to whose existence corruption was essential, applied his veto. Corruption being thus perpetuated, a majority was secured in both houses, and the scheme of the bank brought forward, and the charter granted in 1694. Its whole capital was a loan to the government; its immediate object was to assist the government in carrying on an unpopular war. Its ultimate effects were distinctly foretold by the opposition, but the power of corruption prevailed.

In about one year from the date of the charter, the usual effects of paper money had begun to be seriously felt. "The nation was alarmed by the circulation of fictitious wealth, instead of gold and silver." Money sunk, till a guinea passed for thirty shillings, and this public disgrace lowered the credit of the government. In 1696, such was the languishing state of the bank, then two years old, that the government, instead of being supported by it, was compelled to support it. Its notes were twenty per cent. below par; and to rescue it from impending bankruptcy, new subscriptions were ordered, payable four fifths in government tallies, and the taxes were mortgaged for the redemption of the tallies. The charter was prolonged, and a monopoly vested in it; the government became responsible for the redemption of its bills; it was totally exempted from taxation, and several other valuable privileges conferred upon it. Thus was it snatched from the jaws of destruction; but instead of sustaining the government, it had very nearly overwhelmed the government in its own ruin. To support the credit of the government through these difficulties the taxes were raised immensely beyond all former precedent, the land tax being twenty per cent. on the rental. These enormous taxes proving insufficient, provision was made for raising about seven millions of dollars by a lottery, and for an additional issue of exchequer bills. Smollett, a tory historian, thus comments on the bank, the lottery, and the paper money. "One cannot, without astonishment, reflect upon the prodigious efforts that were made upon this occasion, or consider without indignation the enormous fortunes that were raised up by usurers and extortioners, from the distresses of their country. The experiment of mortgaging funds succeeded so well that later ministers have proceeded in the same system, imposing burden upon burden, as if they thought the sinews of the nation could never be overstrained." Hallam, the ablest of whig historians, and the friend and apologist of the bank, thus confirms the account of the prevailing distress of that time. "Fresh schemes of finance were devised, and on the whole, patiently borne by a jaded people. The Bank of England rose under the auspices of the whig party, and materially relieved the immediate exigencies of the government, while it palliated the general distress, by discounting bills and lending money at an easier rate of interest. Yet its notes were depreciated twenty per cent. in exchange for silver; and exchequer tallies at least twice as much, till they were funded at an interest of eight per cent. But these resources generally falling very short of calculation, and being anticipated at such an exorbitant discount, a constantly increasing deficiency arose; and public credit sunk so low, that about the year 1696, it was hardly possible to pay the fleet and army, from month to month, and a total bankruptcy seemed near at hand. Certainly the vessel of our Commonwealth has never been so close to shipwreck as in this period; we have seen the storm raging in still greater terror round our heads, but with far stouter planks and tougher cables to confront and ride through it." In a note he adds, that the peace of Ryswick was absolutely necessary, "because public credit in England was almost annihilated, and it was hardly possible to pay the army. The extreme distress for money is forcibly displayed in some of the king's letters to Lord Shrewsbury. These were in 1696, the very *nadir* of English prosperity." In one of those letters, July 20th, 1696, the king says, "at present, I see no resource which can prevent the army from mutiny or total desertion." Since the publication of the Shrewsbury letters there can be no doubt but that the inglorious peace of Ryswick was precipitated by the derangement of the currency.

Like causes produce like effects. In 1819, our Bank of the United States had been two years in operation, and it had brought us to the *nadir*, the lowest point of depression, of our prosperity. It came even nearer to bankruptcy than the Bank of England. The treasury department had to prop it up, and it mortgaged the government funds in its hands. The new bank has had less than two years' enjoyment of its new charter, "*safer, stronger, and more prosperous than it ever was,*" said Mr. Biddle, yet it has brought us down to the *nadir*, or very near it, again; and not having the treasury to lean upon for support, except as to the seven or eight millions of dollars it withholds, it has now committed bankruptcy.

As the troubles of the year 1696 have been in part attributed to the change of the metallic currency, by calling in all clipped and worn money, and substituting coin of full value, it may be interesting to know how prices were affected by the Bank of England in longer periods of its existence, for which no temporary cause can be applied. To ascertain this, we take the article of wheat, both because the prices are well known, and because the cheapness of bread is more essential to the comfort and to the subsistence of the people, than that of any other article.

It appears that for seven years before 1693, the price of wheat at Oxford averaged twenty-eight shillings eleven pence, while for the next seven years it averaged fifty-two shillings and four pence, an advance of *eighty-one* per cent. If the alteration of the metallic currency had produced any effect, substituting coin of full weight for the clipped, the price of wheat would have fallen, instead of rising. Nor was this a war price, for in 1697 came the peace of Ryswick, and the price was much higher for that and the next two years of peace, than for the three previous years of war. The issues of bank notes raised the price; but after the currency had adjusted itself to the business of the country by the paper driving out an equal quantity of coin, prices fell again, and continued for about sixty years to average a little more than thirty shillings a quarter; but when smaller notes were issued, they rose again.

In the great expansion of bank issues which followed the suspension of specie payments, the price rose in proportion as the notes increased. For ten years before 1796, the average price of wheat at Oxford was fifty-one shillings, four and a half pence. The run upon the bank took place in 1797, and that year and the next the price was falling. But for the next ten years after 1798, it averaged eighty-two shillings and five pence; and in the next ten years, from 1809 to 1818, it averaged one hundred and seven shillings and seven pence, being considerably more than double the average before specie payments were suspended, and indeed an advance of more than 109 per cent.

In the year 1817, when the circulation of the Bank of England was at the highest point, being thirty millions of pounds sterling, instead of eleven millions as it had been before the suspension of specie payments, the average price of wheat was one hundred and twenty-four shillings, or more than four times what it was before the bank commenced its operations.

From the year 1797 to 1817, the metallic currency of the world had slightly diminished, while the business to be transacted had greatly increased; prices ought, therefore, to have fallen, instead of risen. Improvements in agriculture had more than kept pace with the increase of population; for this reason also the prices of wheat should have fallen. War no doubt raises the price, but the war was raging in 1794 and 1795, when the price was under fifty shillings; and the country was at peace in 1817, when the price was one hundred and twenty-four shillings. Corn laws go but little way to account for the fluctuations; they must be mainly owing to bank paper.

Compare the circulation of the bank, and the price of wheat for a few years, and see whether you can doubt that they are cause and effect. The circulation of bank notes in

1787	was	£8,688,570	wheat	was	49*s.*	9*d.*
1790	"	10,217,360	"	"	57	10
1795	"	13,539,160	"	"	77	5
1805	"	18,397,880	"	"	106	—
1810	"	21,000,000	"	"	116	2
1817	"	30,099,908	"	"	124	—

After Parliament had determined in 1819 that the bank should resume specie payment, it began to diminish its circulation, which was brought down to £18,000,000, a less sum, in proportion to the business done, than the circulation of 1795. Accordingly wheat fell, and for ten years after 1819 it averaged seventy shillings. As thirty millions are to eighteen millions, so are one hundred and twenty-four shillings to seventy-four shillings; so that wheat fell more than bank notes diminished, the increased business to be done giving a higher value to money.

"The average money price of corn regulates more or less that of all other commodities," says Adam Smith; we may judge, then, what universal distress this bank produced by raising prices. We are not left to conjecture the effects, they are matter of record. The years 1812 and 1817 are the two years in which wheat reached the highest price it had borne for nearly six centuries, since the great famine of the year 1270. These were two years when the taxes were comparatively light, particularly 1817. In 1815, for instance, the taxes were £79,948,670, while in 1812, they were £70,435,679, and in 1817, they were only £55,836,257. The distress which existed then was produced by the high price of wheat, in spite of lighter taxation. Yet Mr. Huskisson singled out these two years, as those in which the pressure was most severe. These were his words: "If distress bordering upon famine, if misery bursting forth in insurrection, and all the other symptoms of wretchedness, discontent, and difficulty, are to be taken as symptoms of pressure upon the people; then I should say, that 1812 and 1817 were two years, of which no good man can ever wish to witness the like again." *

Thus has this institution taken the bread out of the mouths of the poor, literally and fatally. In Barton's poor law tables the connection is shown between the high price of wheat and the increase of mortality. In seven manufacturing districts in England, when wheat was 118*s.* 3*d.*, there were 55,965 deaths in a year: three years later, when wheat had fallen to 60*s.* 1*d.*, there were but 44,794 deaths in the same districts. An extensive comparison between prices and mortality demonstrates the fact, that nothing tends more to prolong the average duration of life than the cheapness of good, wholesome bread. Indeed, proof of this truth is before us all, in the extraordinary longevity of the inhabitants of the agricultural villages of New England.

Sin and death are nearly related. What has been the effect of the Bank of England on crime? The year 1817 was that in which the amount of bank notes was greatest, and that year is as distinguished in the annals of the criminal law as in the history of the bank. In the year 1817, the number of criminal prosecutions suddenly rose from about 8,000 to 14,000; the number of persons condemned to death, from 890 to 1,302; of persons transported to New Holland, from 1,054 to 1,734. Want of employment, poverty, and hunger, all springing from high prices and the deranged currency, caused these additional crimes. In June, 1823, after the resumption of specie payments, Sir Robert Peel made the following statements to parliament. In 1817, seven out of nine of the manufacturing class were unemployed; in 1823, none. In Sheffield, the poor rates in 1820 were £36,000; in 1823, only £13,000. In 1817, there were 1,600 houses empty; in 1823, none. In Birmingham, in 1817, of 84,000 inhabitants, 27,500 received aid from the poor fund; a third part of the workmen had no occupation; the remainder were only half employed; the poor rates amounted to about £60,000. In 1823, all the workmen were employed; the poor rates amounted to only £20,000. The weekly pay of weavers, which in 1817 had sunk to three shillings and three pence, now rose to ten, and sometimes to sixteen shillings. The exports had increased, and disturbances ceased.

The mode in which paper money fluctuation, such as the Bank of England begets, grinds the independent poor into pauperism, has been fully explained already. British pauperism is the offspring of the bank. There were not two hundred thousand paupers in England and Wales, when the bank began to grind: in 1810, there were twelve hundred thousand, and the bank ground harder after that. The poor rates were but small in the time of King William; but in 1827 they were about thirty-eight millions of dollars.

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* Speech on Mr. Western's motion, June 11, 1822.

The madman who scatters firebrands, arrows, and death, and says, am I not in sport, is innocent and lovely compared with the monster that inflicts these miseries on the British people. It sucks the blood from their veins, the marrow from their bones: it makes them bond slaves, and mocks at their unpaid toil, till exhausted nature sinks into an early grave. It is such an incarnation of active, all pervading, unremitted cruelty, that our mushroom whig nobility worship; that they desire to see enthroned over us; and upon whose altar they are ready to sacrifice the properties, morals, lives, and liberties of American citizens.

The Bank of England has generally had no actual capital, no, not a farthing, for the purpose of trade. Its loans and advances to the government have, during almost the whole of its existence, exceeded its whole capital; so that it wrings from the people, by the machinery of paper money, the whole of that immense wealth on which its stockholders fatten; and through which it has sometimes been, to use the expression of one of its friends, "strong enough to take the government on its shoulders." In such precarious strength there is inherent weakness; and the bank is more likely, ultimately, to bury the government in its ruins, as it threatened to do in 1696, and again in 1797. With the bank begun the funding system: hand in hand with the bank, dependent on it, and growing out of it, the funding system has advanced. Like the Siamese twins, they have one common breath of life; separate them, and they perish. "The practice of funding," says Adam Smith, "has gradually enfeebled every State which has adopted it." He instances the Italian Republics, Genoa, Venice, Spain, France, and the United Provinces, and adds: "Is it likely that in Great Britain alone, a practice, which has brought either weakness or desolation into every other country, should prove altogether innocent?" Since Smith wrote this (in 1776), that explosion has taken place in France, which made all nations quake with fear, — an explosion which would never have happened, but for the practice of funding: the British debt is quadrupled: is the practice of funding less likely now to bring desolation upon Great Britain?

The United States had one fair experiment of paper money at the outset of their national existence. An eye witness, Mr. Pelatiah Webster, speaks thus, first of its supposed advantages, and afterwards of its real evils. "Though men of all descriptions stood trembling before this monster of force, without daring to lift a hand against it, during all this period (from 1776 to 1781), yet its unrestrained energy always proved ineffectual to its purposes, but in every case increased the evils it was designed to remedy, and destroyed the benefits it was intended to promote: at best its utmost effect was like that of water sprinkled on a blacksmith's forge, which indeed deadens the flame for a moment, but never fails to increase the heat and flame of the internal fire. Many thousand families of full and easy fortune were ruined by these fatal measures, and lie in ruins to this day, without the least benefit to the country, or to the great and noble cause in which we were then engaged." He enumerates the sufferings incident to the war, the exorbitant price of foreign goods, the extreme scarcity of many necessary articles, such as salt, the total cessation of many trades for want of materials, the seizure of goods, waggons, stock, grain, cattle, timber, and every thing else which was wanted for the public service, the captures, ravages, and depredations, the burnings and plunders of the enemy, which were very terrible and expensive. "They had possession, first or last, in the course of the war, of eleven of the capitals of the thirteen States, pervaded the country in every part, and left dreadful tracks of their marches behind: burning in cool blood a great number, not only of houses, barns, mills, etc., but also of most capital towns and villages." Yet all these evils he testifies were less than those of continental money. "We have suffered more from this cause," he says, "than from every other cause of calamity: it has killed more men, pervaded and corrupted the choicest interests of our country more, and done more injustice than even the arms and artifices of our enemies." "While we rejoice in the riches and strength of our country, we have reason to lament with tears of the deepest regret, the most pernicious shifts of property which the irregularities of our finances introduced, and the many thousands of fortunes which were ruined by it; the generous, patriotic spirits suffered the injury; the idle and avaricious derived the benefit from the confusion." This was written at the very period of the dissolution of the continental currency system, while the people were yet smarting under its torments, the remembrance of which had so much power over the fathers of our Constitution, that they deliberately and sternly *refused to incorporate in that instrument, any license to the federal government to create any corporation, lest under such a license they might charter a national bank.*

It is natural to imagine that government paper which depreciates suddenly, and then becomes worthless, is an evil much more terrible than a national bank with its ever fluctuating currency. Not so. A sword cut, or a gun shot wound, however appalling, yet if it heals or kills, is less to be dreaded than to be stretched daily on the rack for years, to perish in the torture at last. Law's bank and Mississippi scheme, the South Sea bubble, assignats, and continental money, marked their course with wide destruction, but they had their end. The victims who survived, recovered, others filled the places of the fallen, and a new career of prosperity commenced; but when will England shake off the incubus of her national bank? A paper money explosion, even like the most awful on record, is far less to be deprecated than the perpetual wrong, injury, and tyranny of a perpetually fluctuating paper currency; even as the fire that sweeps the prairie, but leaves the soil rich for a fresh vegetation, is less fatal than the eternal curse of barrenness on Sodom and Gomorrah.

Nothing can prevent a mixed currency, partly of paper, from becoming superabundant, and consequently depreciating. Nothing can prevent such a mixed currency from fluctuating, and the larger the proportion of paper, the greater will be the fluctuations.

A national bank, or any other banks, issuing small bills unrestrictedly, must sooner or later stop specie payment: its paper then becomes irredeemable paper, which even the whig oracle abhors. This result is not accidental, it is certain and necessary: it is the inherent vice of the system. During the last forty years, the Bank of England has refused payment in specie twenty-six years, and the banks of the United States generally have violated their obligations twice. The first suspension was brought to an end by totally breaking up a large proportion of those institutions. How the present bankruptcy will terminate, we do not know.

I say nothing of the government banks on the continent of Europe, such as the banks of Petersburgh, Copenhagen, Vienna, etc., because the friends of a national bank among us have nothing to say for these. They admit them all to be miserable failures. Their only favorite model is the Bank of England, which has issued irredeemable paper about half of the time since the United States had a banking system. "A bank not to pay specie," said Mr. Calhoun in 1816, "would be an instrument of deception; it would have no character or feature of a bank. He should regard it with disgust and abhorrence." Such a bank is the great bank in Pennsylvania, and such are the lesser banks. Small bills and specie payments, for any length of years, are incompatible. Let banks issuing small bills set out with what professions they may, to this complexion they must come at last: sooner or later, they will be banks not to pay specie.

No art, wisdom, or power of man can prevent irredeemable paper from depreciation. The promise of gold, however slightly doubtful, is worth less than gold itself; but nothing can make a promise known to be false, equal to a promise believed to be true. The severest penal laws could not prevent guineas from selling at twenty-eight, and even thirty shillings, in bank notes, while the Bank of England violated its promises. Congress passed an act of outlawry, (January 11, 1776,) and other threatening declarations, against those who refused continental bills at par: this did not keep them at par. Danton and Robespierre undertook to sustain the value of the assignats, the revolutionary money of France. First, they decreed a long imprisonment to those who should take, pass, or offer assignats below their nominal value; then they fixed a price on all the necessaries of life, and punished with death those who, having such articles for sale, refused to sell them at the legal price in assignats: but the terrors of the dungeon and the guillotine proved insufficient, though unsparingly employed, to give value to a worthless paper. The fear of death, then, cannot check the depreciation of irredeemable paper.

If we sum up in one grand total all the woe to which paper money banking, and the over-extended system of credit growing out of it, have given birth, we shall pronounce it to be the most tremendous of the plagues which the Almighty in his wrath has suffered to afflict degenerate men. Neither war, nor pestilence, nor famine, ever, for so long a time, spread desolation over so large a portion of the earth. What now paralyzes the energies of Great Britain? Her national debt, which originated with the bank, grew with its growth and strengthened with its strength, is a part of the same system, and without its aid could never have swelled to the collossal dimensions in which it overshadows the empire. When the bank commenced, the debt was about five millions of dollars. The object of the creation of the bank was to increase the debt, which it manages for the government, and which is now about four thousand millions of dollars; the sinews of the poor, from generation to generation, being mortgaged to pay the interest. The burdens and taxes, which I enumerated in speaking of the banks of Massachusetts, are but a drop from that fountain of bitterness, the preposterous extension of a fictitious credit, which has deluged the world with miseries. View the bank and the funding system together, in their combined operation, and see what the abuse of credit, through fictitious paper, has done for mankind. What enabled Great Britain to carry on wars ruinous to her own interests, destructive of her own liberties, and fatal to the welfare of the human race, for one half the period from the accession of King William, to the downfall of Napoleon? Paper credit; whereby the ministry of the day could not only exhaust the resources of the nation, but beggar posterity, building up that national debt which is the most stupendous phenomenon of modern times; perhaps, in the world's whole history.

Not Napoleon in his march on Moscow, with that carnival of horrors, the retreat, gave so many corpses to the wolves and vultures, as paper credit. Neither Alaric, nor Atilla, nor any other scourge of God, ever struck down so many heads, or glutted his revenge with so vast a havoc, or left behind him such wide spread devastation.

If France, in 1789, had had no debt, France might have been free and happy, without a bloody revolution, and the long years of succeeding agony. Who stimulated and kept alive the wars that grew out of the French revolution, wherein three millions of human lives were sacrificed? England. How did she sustain those wars? By her paper credit. It was paper credit that held out through twenty-three years of carnage, and at last conquered at Waterloo. It is a stock corporation, existing by credit, and operating through credit, that has "sold every monarch, prince, and State in India, broken every contract, and ruined every prince, and every State who had trusted them,"* that has bestrown that whole empire with the bones of slaughtered millions, turning their temples into charnel-houses, and making their Eden a Golgotha. It was paper credit that waged war eight years upon the liberties and rising independence of America. It is paper credit that rivets the fetters of Ireland, and tightens the ligatures which check the circulation of the British empire's lifeblood.

Napoleon Bonaparte is said to have predicted at St. Helena, that the next general convulsion of Europe would be a conflagration of paper credit. When that catastrophe befalls the insolvent governments of the old world, when the national debt of England, "incurred one half in pulling down the Bourbons, and the other half in setting them up," explodes, and blows up with it the bank, the East India Company, and the government, while the debts of the continent topple down with the shock, will not the contest over the wreck be fiercer than the memorable reign of terror, in proportion as greater interests are at stake, and greater numbers implicated? It seems that elements exist to form a crisis as much more terrible than the last, as the battle of devils conceived by the genius of Milton exceeds in sublimity the ordinary conflicts of men.

It is time to return from these speculations to our own peculiar perils. "Let the Americans," said William Pitt, "adopt their funding system, and go into their banking institutions, and their boasted independence will be a mere phantom."

Could William Pitt have foreseen, that in about sixty years from our independence, we should have eight hundred and twenty-three banks, whose loans would exceed five hundred and ninety millions of dollars?

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* Edmund Burke.

Could he have foreseen, that these banks would issue their bills to the amount of one hundred and eighty-five millions, and then, in May, 1837, stop payment, and continue to flood the country with irredeemable paper? Could he have foreseen, that a British banking house (the Barings) would in their circulars describe, truly describe, the contest between the banks and their privileges on the one hand, and the people and their liberties on the other, as a contest between the aristocracy of wealth, and the democracy of numbers; and that in this contest, an institution modelled after the Bank of England, and largely owned by British stockholders, would lead the bank interest; while the democracy of numbers would sustain the government, and the Constitution of their country? Could he have foreseen that merchants having a deep stake in the preservation of order, would threaten rather to rebel than pay their dues to the government, while they could find plenty of specie to export in England; and that the government would be called on, in every form of entreaty and menace, to allow the whole basis of our circulation to be withdrawn from us, and to flow from the West to the Atlantic cities, and thence across the ocean, leaving our banks and our people to certain ruin, in order that the Bank of England might not be compelled to suspend specie payments. Could he have foreseen, that for the benefit of England a new doctrine would be advanced in America, that "the truth is, the banks of the United States are always the *strongest* when they hold the *least specie*, and the country always the *richest* when it has the *least gold and silver?*" If he foresaw all this, no wonder he anticipated that banks would one day reduce our boasted independence to a mere phantom.

His forebodings will not, however, be realized. Our government is a popular government. With us, the will of the people is sovereign, and it is not the will of the people to barter their birthright for a mess of pottage. Though they believed all the promises of advantage which banks hold out, promises which the history of other nations, and the experience of their own, have shown to be delusive, yet liberty and independence are blessings too dear to them to be weighed in the balance with wealth. What shall it profit a man if he gain the whole world, and lose his own soul? The slaves of filthy lucre, who prize it above liberty, must have sold themselves, body and soul, into the service of the god of their idolatry; but the American people cling to their soul's freedom.

To deliver us from thraldom to the banks, a sound currency is indispensable. There are in the world more than four thousand millions of dollars worth of gold and silver, coined and uncoined, taken together. Of this, we want sixty millions only, in addition to what we now have, to give us a currency as solid as that of France, which is nine tenths specie. A tenth of our exports would pay for it in six years. If we will it, we shall have it. It must be had. The war against abhorred paper must go on, till liberty is triumphant.

What though the monster we assail towers in portentous proportions, and frowns upon us with a fearful aspect! It is but an unholy image of mammon. Its presence defiles the Temple of Liberty, whence its fragments shall soon be cast out, for its discordant materials are shattered and tumbling. Its impudent forehead is of brass, and its base feet of clay, its hollow carcase stuffed with worthless rags, by whose expansion it bursts asunder, like the Babylonish dragon, under whose table those that knew the privy doors entered continually, and devoured the expenses of an empire.

Let the bandogs of faction howl: fangless now, their malice is impotent. A great people is conscious of its rights and power. Calmly majestic, it gathers its strength, and rises to overturn, smite, and demolish whatever the spirit of our institutions cannot tolerate. Rashness shall not rule the hour, nor an avenging fury confound innocence with guilt; but the inflexible determination of virtuous wisdom shall carry on reform, till her warfare be utterly accomplished. Then when the proud bearing of paper feudality is humbled, the hoarse throat of anarchy silenced, and popular sovereignty sways over all the sceptre of equal justice, then may we exult in the security, eternal, as far as human foresight reaches, of American liberty, union, and independence.

DEBATE ON MR. RANTOUL'S ORDER FOR AN INQUIRY INTO THE BANKING SYSTEM.

In the House on Saturday, March 17. The orders of the day being taken up, the first article was the second set of orders on banks offered by Mr. Rantoul in January, the first set having been postponed to Tuesday next.

The orders were then modified by the mover — so that they now read: —

House of Representatives, January 22, 1838.

Ordered, That a committee of seven members of this house be appointed to consider the expediency of providing by law: —

1. That no bank, issuing bills for circulation, shall receive any deposits, except special deposits.

2. That no bank shall pay out the bills of any other bank, except to the bank which issued them, or to another bank in payment of bank balances.

3. That no bank, after the day of next, shall issue bills less than two dollars; after the day of bills less than three dollars; after the day of bills less than five dollars; after the day of bills less than ten dollars, under pain of forfeiting times the amount for every bill so issued.

4. That no bank shall issue bills for dollars and fractional parts thereof, under pain of forfeiting times the amount for every bill so issued.

5. That a certain degree of publicity be given to all the proceedings of banks.

6. That the several banks shall, on the first Saturday of every month, return to the office of the secretary of State an exact list of all discounts and loans of every sort made during the month previous, with the names of the borrowers, sureties, or indorsers, and a particular description of all the securities taken, which lists shall be open to public inspection, and be laid before the legislature while in session.

7. That the bank tax be repealed, or reduced, or a part thereof placed on circulation instead of capital.

Mr. Rantoul said, that as it had been intimated that these orders ought not to be referred at all, on account of the supposed severity of some of their provisions, he would say a few words, not to show that they ought to be adopted, because that was not the question before the house, but to show that they at least deserved to be inquired into.

If an inquiry was to be ordered, the house, he thought, would not send it to the quasi defunct committee on the memorial of Eliphalet Williams, or to the joint committee on banks, for reasons sufficiently understood. The house would no doubt prefer a select committee; he therefore made that motion.

The first proposition is, that banks which issue bills shall not receive deposits.

There ought to be always on hand a fund sufficiently large, always responsible for the redemption of any bills issued, otherwise the circulation is unsafe. There can be no such fund in any bank that receives free deposits. The depositors take away all the security of the bill holder. In a race between them, the depositors come out best, for they live in the neighborhood of the bank, are business men and can understand when there is danger, and take large sums; while the bills are scattered at a distance, held in small sums, and by persons often not likely to suspect the danger till there is nothing left in the bank to pay them.

Now if the law should take a peculiar care of either class, it should be of the bill holders, and not of the depositors.

Because with the depositor it is a matter of voluntary arrangement where he puts his money. He selects his bank at his leisure, for good reasons, and after sufficient examination, and if alarmed, changes it. The bill holder takes the bill when he has no time or opportunity to inquire, and often when he could get nothing else; yet his interests are sacrificed to the other.

To be redeemable instantly on demand, without a shadow of doubt, is the first essential requisite of a paper designed to constitute a part of the circulating medium. Delay, or doubt of redemption, cause it to depreciate, and make it unfit for a currency. Surely then, bills of banks from which the whole basis on which the bills depend for their redemption can be taken away at once by depositors, ought not to form any part, much less almost the whole of the currency of any civilized nation.

Yet such is the precarious nature of our paper money. The present bankruptcy of our banks is from this cause. The banks in the great cities stopped payment because they could not, or believed they could not, or pretended they could not cash their deposits fast enough to meet expected calls. The failure in the great cities stopped the country banks. Would it not be too disgraceful ever to fall a second time into the same calamity, because we will not employ a safeguard so perfectly obvious as a distinction between banks of discount and deposit, and banks of discount and circulation?

Let the banks arrange the business among themselves. Let those who choose still to issue, do so, but on condition that they keep on hand a proper proportion of specie, the balance of their circulation in some safe investment easily convertible into specie, and take no free deposits. Such banks as consider that their circulation would be of no value to them under such restrictions, would forego the privilege, and might continue to receive deposits. If the bank tax is to be continued, such a division of the business would cause that tax to bear more equally, though that is a matter of slight importance compared to the additional security to be given to the public.

The second proposition is, that banks shall not pay out to the public the bills of other banks.

In the existing state of things, the mutual action of our banks gives to the public the worst possible circulation. The banks which are in the soundest condition, and most prudently managed, put out no bills of their own, but endeavor to withdraw those already in circulation. This is right; this they ought to continue to do until they resume the payment of their obligations, for they would have no excuse, pressure or no pressure, for contracting debts which they confess they cannot pay, and which they declare they will not even attempt to pay. These banks deserve great credit for reducing their liabilities to the public, yet it is perfectly plain that their bills are the safest part of the paper currency, and the very bills which the public would prefer to have, if they could get them.

But while the sound banks properly and from a sense of duty, withdraw their bills from circulation, the unsound banks thrust out theirs, and those that are in their dying agonies thrust them out in great abundance. They are under the strongest temptation to do this, a temptation which very few of them ever have resisted, or ever will resist. An embarrassed bank, like an individual in the same situation, provides for one liability by creating another, and every struggle they make only plunges them deeper in embarrassment. A bank, like an individual in failing circumstances, is like a man dying of a consumption, always hoping to recover down to the last gasp. Connected with a failing bank are usually failing debtors to the bank. The bank must continue to accommodate them, or they will fail and leave their bad notes on its hands, dragging down the bank with them in their ruin. It must relieve its debtors or perish with them. For this purpose it throws out its bills thicker than the leaves of Vallambrosa.

The other banks continue to receive these doubtful bills, as they come thicker and thicker down to the final death throe, because they all, as well as the immediate sufferer, wish to put far off the evil day of a bank failure. By receiving them, they give them credit with the public, but they do not send them home to the bank which issued them; that would break the bank, which they do not wish to do. Instead of sending home the bad bills, they issue them again from their own counters, always issuing the worst first, that the dreaded loss may fall on some one else. Whence it happens that the weakest banks supply the current circulation, and very nearly in the proportion of their weakness. One hardly ever sees a bill of that old fashioned institution, the Massachusetts Bank, while six or eight weeks ago, the Hancock, Fulton, and Commercial banks, furnished more bills for circulation than fifteen of the best and soundest banks in the city.

Ought such a system for throwing losses on the part of the community least able to bear them, the scattered bills holders, to be suffered to continue for a day? It is piratical in its operation; it plunders the mechanic and laborer, to sustain the swindling speculator. Your large dealer does not keep a doubtful bill on hand; it would burn in his pocket; he knows what it is; he is rid of it in fifteen minutes; and pushes the loss on somebody who does not keep up with the state of the banks, and who has no suspicion. The man who toils all day for the rag which ought to represent a dollar, takes it home at night, happy, for he believes he has wherewith to buy his children bread. He sleeps sound. His bill is "as good as the bank!" He goes forth in the morning to make his little purchase, and lo! the bank has failed! How lucky! how fortunate! is the cry he hears. The great house of Gripe & Company got rid of three thousand dollars of the bills last Saturday night, — paid it away for wages! Lucky for Gripe! Alas, sighs the man with the lying dollar, I have lost my all!

Justice and humanity require this species of piracy to be suppressed. I cannot doubt that every honest man in the house will lend a helping hand towards its suppression.

The third proposition is, that small bills shall be gradually suppressed.

This is called for by the general interest, as the soundest principles of political economy, such as are universally admitted among intelligent men, will demonstrate. By the grimace upon the countenance of gentlemen, when this article was first read from the chair, I was almost led to doubt whether it were a whig measure. There can be no doubt, however, of that fact. The Hon. Daniel Webster, one of your senators in congress, has approved of it in a speech, in his place in the national senate. Your other senator, Hon. John Davis, has recommended it expressly for this Commonwealth while governor. But as I know what was called whig doctrine one year, is often called tory the next, I will quote later authority. Honest Joseph Ritner, — the illustrious whig governor of Pennsylvania, sitting under the droppings of the whig sanctuary, the great bank, and imbued with wisdom from the whig oracle, the paper money autocrat, Nicholas, — honest Joseph Ritner, proposes to the present legislature of the keystone State the suppression of small bills. Questionless, therefore, it is a genuine whig measure. Not that I like it any the better because it is or is not of the whig school, but this is thrown out for the consideration of those gentlemen who oppose the resumption of specie payments, now that the banks are able to resume, on the ground that it is a tory doctrine that a man ought to pay his honest debts according to agreement if he can.

But as I have noticed for some years past, indeed ever since the British party in this country took up a British name, which was about the first day of April, 1834, that the party calling themselves whigs in Massachusetts always follow precedents furnished by British tories, I will give them a British tory opinion on the point. It is true that it was the whig party in Great Britain who from the first denounced the suspension of specie payments, and the tories who justified that measure and continued it for twenty-six years. But after the resumption, even tories, those who were not rabid, condemned with one voice the pernicious use of small notes. Mr. Huskisson, a tory minister, — and I quote him with respect, because this distinguished statesman brought to the discussion of practical questions a vast amount of practical information, — Mr. Huskisson said, on the 10th of February, 1826, that, "it was his opinion, an opinion not hastily formed, but the result of long and anxious observation, that a permanent state of cash payments, and a circulation of one and two pound notes, could not coexist." If this be true in England, and their wisest statesmen do not doubt it, much more is it true with us, where from other causes, the fluctuations of the currency are three times as sudden and severe as they are in England. If there can be no permanent specie payments, where there are one and two pound notes, still less can there be where a full fourth, if not a third of the circulation is in bills less than one pound, as is the case in Massachusetts.

When Edmund Burke sent word to Pitt, that if he issued one pound notes, he would never again see a guinea in circulation, he announced no new doctrine, he uttered no unknown truth. It is an axiom undeniable and without exception, that paper, if freely issued, will expel coin of the same or nearly the same denominations. If we would have permanent and secure specie payments, we must not rely alone upon the coin actually in the bank vaults, but there must be an abundance of coin in free circulation, from which the banks can recruit their stock whenever they have occasion. To command a supply of specie, we must suppress that form of paper which drives out gold coin. It would be useless to stop short of ten dollars, for you will see no half eagles while you have the five dollar bill. Silver is too cumbrous for general use. There is too much of it in the world, and it is therefore too cheap. By suppressing bills under ten dollars, we should secure our share of the benefit from the rapid operation of the United States Mint for a few years past, a blessing which we now expel.

With gold and silver coin for the small retail business, the community would be relieved from the loss from bills lost or destroyed, counterfeit bills, and bills of broken banks, almost all of which falls, through the medium of small bills, upon the poorer classes. By suppressing that part of the paper currency which contributes most to the periodical fluctuations, we should make those fluctuations less severe, and thereby lessen the number of bankruptcies, and the innumerable heavy losses which in every three years grow out of those fluctuations. To accomplish this purpose, we should not stop at ten dollars. At some future time, to be fixed hereafter, we should go to twenty, and ultimately as high as fifty dollars. In France, the smallest note of the Bank of France is for five hundred francs, and they have no revulsions in their currency. The smallest note of the Bank of England is five pounds. They have revulsions, but not a third part so ruinous and terrible as ours. Some of their prominent statesmen believe, that by suppressing all bills under twenty pounds, they may get rid of their revulsions.

The next proposition, to suppress fractional bills, I have reason to suppose a decided majority of the house already approve; I therefore pass it for the present without comment.

The fifth proposition is for a certain degree of publicity in banking transactions.

Our laws already sanction the principle, that a man shall not hold out false appearances of property, and thereby defraud his neighbors. All titles of real estate, and all incumbrances thereon, must be upon the public record. With universal approbation we have abolished those odious private attachments, so long the opprobrium of this Commonwealth. We allow no mortgage of personal property to be valid unless it is on the town books. Yet any man who can secretly obtain a bank loan to the amount of five thousand dollars, may get property into his hands which gives him a credit for five thousand dollars more. Upon this appearance he may borrow ten thousand, and then he is good everywhere for twenty thousand, and so on, according to the extent of his genius for humbug. His business notes, good, bad, and indifferent, are discounted on the strength of his indorsement, and he builds up an enormous pyramid resting upon a point, and growing broader as it ascends, which tumbles from its weight, and buries the unfortunate by hundreds beneath its ruins.

Should not the law guard against these stupendous, wholesale frauds? Hang up a true and full tell-tale book in the entry of every bank, and there will be an end of them; they are engendered by secrecy. At the least, the stockholders should have a right to know to whom and in what sums their money is lent. Even this degree of publicity would have prevented many bank failures; but a more complete publicity would be a most effectual check.

Monthly returns of loans would carry out the same principle.

The last proposition is for the repeal of the bank tax, to go hand in hand with a thorough and radical reform of the system.

This tax being drawn ultimately on goods consumed, is heavier on the poor than on the rich, heavier on the country than on the city. It is the cause of the increase of our State expenses in thirteen years from two hundred thousand to six hundred thousand dollars. It is the cause of the sudden and vast expansion of our banking system. It is the shield which now protects its abuses.

At the same time, as this tax gives us a hold upon the banking interest, I would not let go that hold without a reform of abuses by the same bill that repeals the tax.

Mr. Dwight, of Springfield, then made a speech against the removal of the deposits, and the sub-treasury bill, after which the house adopted the order to appoint a committee; but on Monday, a motion to reconsider was made, and the subject laid on the table.

RESOLVES AGAINST AN INDEPENDENT TREASURY:

MR. RANTOUL'S AMENDMENT EMBODYING MR. WEBSTER'S IDEAS.

The following resolves, which passed the Massachusetts senate, March 8th, were discussed in the house on Thursday, March 22d: —

Resolved, That the sub-treasury bill, by making no provision for furnishing a currency in and between the several States, fails of performing a duty authorized by the Constitution, and demanded by the interest of the whole country.

Resolved, That the sub-treasury bill would, by withdrawing from circulation large amounts of specie, diminish the basis on which State institutions are founded, place them in too great a degree in the power of the general government, deprive them of the means of extending usual and necessary facilities to those engaged in commerce and manufactures, and, by causing distrust, have a direct tendency to postpone the resumption of specie payments.

Resolved, That the sub-treasury bill, by giving to the government and its officers a different currency from that provided for the people, and by increasing the power and the patronage of the executive, is hostile to the genius, and may be destructive of the permanence of our republican institutions.

Resolved, That his Excellency the governor be requested to forward copies of the above resolutions to our senators and representatives in congress, and that they be desired to use all proper and honorable means to prevent the bill in question from becoming a law.

Mr. Rantoul moved to substitute for *different* the word *better*, so as to read, a better currency than that provided for the people. A *different* currency might be a worse one; and if it was not better, how could government be blamed if they gave themselves a currency precisely equivalent? He presumed it was intended by this resolve to make a charge against the government. If so, let it be expressed, and some point given to the resolve. If gentlemen meant *better* by *different*, why not say so? If they meant no better, why find fault with the bill in this particular? He supposed the resolve intended to charge that government takes the specie and leaves rags for the people; and although it is not true that the government pays any thing different from what it receives, specie and its own notes bearing interest, and payable in specie, yet this clause furnished a good opportunity to test the sense of the house which was the better currency, specie or paper, or whether they are precisely equivalent.

Mr. Gray, of Boston, thought the resolutions severe enough as they were. He was satisfied with them as they were, and presumed all the opponents of the sub-treasury scheme were also.

The motion to amend was lost by a division, 74 to 209.

[So it was solemnly decided that the sub-treasury bill does not give the office holders a better currency than the people have.]

Mr. Rantoul said, that as so large a majority of the house were of opinion that specie is no better than bank bills, he would propose another amendment to get at the meaning of the resolve; namely, that the sub-treasury bill provides a *worse* currency for the government than that provided for the people. If it was not better, and was not equal, and yet was *different*, it must be worse.

The fact was, the sub-treasury bill provided no currency. The Constitution had done that; but the resolution was utterly pointless, as it said merely a different currency, with no other qualification.

This amendment was also rejected, 7 to 205.

[So the currency furnished by the government is neither better nor worse than that provided for the people.]

A member rose and said he wanted to move the previous question, but before he sat down he changed his mind.

Mr. Rantoul was not surprised at this movement to cut off discussion on these resolves. He did not wonder at the disposition already manifested by the majority to shield their resolves behind the previous question. Eleven weeks had been expended in attacks on the general government and its policy. Not a word had been said on the other side, and yet the friends of the resolves were so unwilling to hear their false positions exposed, that they manifested a disposition to choke off the minority, the moment one of them got the floor.

Before he went into the subject, he had another amendment to offer. It had been thrown out in this house, as a sort of rule of party discipline, that the majority, the whig party, would oppose any measure, however proper or beneficial, that should be proposed by a political opponent! Something of this kind, it had been supposed, had influenced the party vote given in favor of sustaining the banks in their violated charters, independent of the legislature; but as much stress had been laid on this doctrine of party discipline, he repudiated it for the majority as a base slander. However much the majority here might be party men or collar men, according to the manual of party discipline laid down by the gentleman from Boston, Mr. Austin, there could not be such a scoundrel on this floor as a man who, with the oath he had taken upon him, would reject a proper and beneficial proposition merely because it came from a political opponent.

The gentleman from Springfield, Mr. Dwight, on Saturday of week before last, imagined, said Mr. Rantoul, that I expressed some exultation at even the possibility of success in that great and noble enterprise of subjecting the insurgent banks to the lawful government of the Commonwealth. I was delighted, he said, at the prospect; and there was then some chance that the banks might not conquer us. And why should I not be delighted? Every victory of the spirit of justice over the power of evil delights me, and I trust ever will delight me. Even the faint glimmering of hope that men wandering in darkness will tread the right path, when I see their blind eyes partially unsealed, delights me; the more so, as that triumph of truth is unexpected. But it was not the part of a *tactician*, says the gentleman, to manifest delight, and by that exhibition of feeling I have lost good whig votes enough to turn the scale on the bank question!

Sir, I do not profess to be a tactician. I only speak as a plain man what I think, and know no reason to conceal an honest feeling for a moment. The gentleman threw out boldly and broadly the intimation that members would vote against that glorious bank order, our declaration of independence from bank tyranny, if we had but dared to pass it, — that members would vote, I say, against it, because its passage would delight the gentleman from Gloucester! Other gentlemen, some three or four, have thrown out the same intimation. Is that a reason to give your constituents when you go home, or to your conscience now? I voted against expediency, right, and justice, to vex the member from Gloucester! Dare any man, having any character at stake, say that?

Oh, no! Oh, no, sir! It is impossible. Gentlemen had not weighed their words, for they could not cast on any member of this house the imputation of such baseness. Even when the compiler of the manual of party discipline, Mr. Austin, of Boston, blew his ram's horn, and summoned the faithful to form and wheel in platoons according to order, he could not look down with such supreme contempt upon his fellow legislators as to expect that they would rally at that blast. I am not willing to believe that such could have been the real motive of a single vote, and those who have urged such motives cannot have done it seriously, but rather in ill-timed sport.

Sir, we have a great duty incumbent on us, and we have sworn faithfully and impartially to discharge and perform it according to the best of our abilities and understanding. Do gentlemen mean to charge on any member of this house that he would forget his accountability to his constituents, to his country, to his own conscience, and to his God, and lay the guilt of perjury upon his soul, by voting against a measure which his conscience and understanding approve, because to pass it would delight the gentleman from Gloucester? It is barely possible that there exists somewhere in Massachusetts a soul so vile. But the miscreant is not here. He does not breathe the atmosphere of this hall. Such a wretch is transparent. The people would have seen his heart. They have not sent him here intrusted with their dearest rights. It is a libel on the people, as well as on the house, to imagine otherwise. They pick out honest men to do their business here. Every member of this house voted and will vote impartially upon this and every question. But lest a good thing might even be falsely supposed to suffer from prejudice, in consequence of its being proposed from a quarter opposed to the majority of this house, he would offer nothing of his own, but borrow the language of one who had been sustained by that majority through all changes and on all occasions. It was to be presumed that the whigs could have no objections to the doctrines of their great expounder of the Constitution. They called that distinguished gentleman, Mr. Webster, the Defender of the Constitution, and he certainly was entitled to that appellation, for he had defended it on all sides, and upon all grounds. For the last twenty years, there had not been a great question of which he had not been the distinguished defender on *both* sides, for he would do justice to his talents. He had made what were always called the greatest speeches in the world, first on one side and then on the other, and his followers had never questioned his being right, whichever side he supported. It would be easy to point out the opposite positions in which the great whig champion had stood on the leading questions in the country. He had made the best speech against a bank, the best for the bank; the most unanswerable against a tariff, the most convincing for a tariff, — and so on, — so his friends have said; and on whichever side he expounds the Constitution, with them it is always the only true doctrine, nor do they refuse to support both sides of a contradiction at the same time, if you show them their champion on both sides. Indeed, they sometimes boast, and with some plausibility, that he is a remarkably consistent man, being almost always on all possible sides of all questions. Some of his speeches he had never been able to answer himself, though his friends were suffering for want of answers to them. Mr. Rantoul would now offer as an amendment to the first resolve, the following. [See Webster's Speeches, 1816.]

Resolved, That "the framers of the Constitution were hard money men. They had felt, and therefore duly appreciated the evils of a paper medium. They, therefore, sedulously guarded the currency of the United States from debasement." "The legal currency of the United States is gold and silver coin." This is the law of the land at home, and the law of the world abroad;

That "this government has a right in all cases, to protect its own revenues, and to guard them against defalcation by bad or depreciated paper;"

That "the only power which the general government possesses of restraining the issues of the State banks, is to refuse their notes in the receipts of the treasury;"

That bank paper, — "not being a part of the legal money of the country, it cannot by law be received in the payment of duties, taxes, or other debts to government;"

That, "as to the opinion advanced by some, that the revenues cannot be collected otherwise than * * * in the paper of any and every banking association which chooses to issue paper, it cannot for a moment be admitted. This would be at once giving up the government; for what is government without revenue, and what is a revenue that is gathered together in the varying, fluctuating, discredited, depreciated, * * * promissory notes of two or three hundred distinct, and as to government, irresponsible banking companies? *If it cannot collect its revenues in a better manner than this, it must cease to be a government;*"

That "it is quite clear that by the statute all duties and taxes are required to be paid in the legal money of the United States, or in treasury notes;"

That, "if congress were to pass forty statutes on the subject, they could not make the law more imperative than it now is, that nothing should be received in payment of duties to the government but specie. The whole strength of the government, we are of opinion, should be put forth to compel the payment of the duties and taxes to the government in the *legal currency of the country*."

Mr. Rantoul said he did not quite go the length of the doctrine in the extracts he had read, but being Mr. Webster's doctrine he presumed it was the doctrine of the whig party, and as it was theoretically sound doctrine, though it might not be possible to realize it fully at once, there could be no reasonable objection to sending it to Mr. Webster, to revive his recollection. He should not object to it if Mr. Webster's friends did not.

[No member rose to reply, and the question was about to be taken, with the evident intent of the majority to vote Mr. Webster down.]

Mr. Rantoul said he did not want a silent vote. He hoped the great whig party were not going to vote down Daniel Webster. He hoped they were not going to give their oracle the lie direct, here, by a solemn vote. You say or mean to say, in the first resolve, that the Constitution authorizes a paper currency. Mr. Webster tells you there is no legal currency but gold and silver, and thus you are going to instruct him to swallow his own words, and give him the lie in black and white, for you will not pretend that he did not understand the Constitution in 1816. That would hurt my feelings exceedingly, said Mr. Rantoul, for I am rather tender on that point! I pray the majority to pause before they make this issue between themselves and their champion of the Constitution. If this first resolve referred to any other currency as a constitutional currency, than gold and silver, then it flatly contradicted Mr. Webster, as well as the Constitution, and I, said Mr. Rantoul, cannot vote for it.

He would show why this substitute should be adopted. The first resolution condemned the sub-treasury bill, for what? For not making a currency; for not doing what it did not pretend to do. It fails, says the resolve, in furnishing a currency between the States. So it fails to provide for the support of the army and navy. It never undertook to do either, and gentlemen might as well object to it for failing to do the one as the other. The resolve affirms that the sub-treasury bill fails to do a duty authorized by the Constitution. The Constitution did not enjoin this duty on this bill. Why, then, find fault with it on that account?

Now in what part of the Constitution was there any authority to create any other currency than gold and silver, or treasury notes, which Daniel Webster says are the only legal money of the United States?

The framers of the Constitution were, as Mr. Webster calls them, hard money men. Where did they put into the Constitution a power to make paper money? No man could find it in the Constitution. If it were there, the resolves should point it out. It would be a great discovery. The coining of money was all the government could do to make money under the Constitution, and there was no complaint that they did not do their duty in this respect. Every man knew that the government had kept the mints employed, and had carried on the coining of money to an extent unparalleled by any former administration. It was not the intention, then, to condemn the government for not coining money. What, then, did it condemn the government for? For not furnishing a currency by this sub-treasury bill. In other words, for not furnishing bank bills!

Could there be a greater absurdity? What would the people of other States say to see Massachusetts putting forth resolves against the sub-treasury bill, for failing to do what it never pretended to do, and which congress has no power to do, — that is, not furnishing a currency in bank notes, between the States? Would they not say we were mad, bank mad, to send forth a declaration like this, that has not a shadow to stand on? As a Massachusetts man he should be ashamed to have the legislature send forth such doctrines, which Daniel Webster himself has told them have no foundation in the Constitution even as he expounds it.

That a paper currency was convenient for commercial purposes nobody denied, but that this paper was to be furnished by the government, was the very doctrine which the hard money men who framed the Constitution repudiated. Was it meant by this resolve that government ought to aid the bank paper now in circulation, and receive the notes of broken banks?

What said the whigs themselves, touching this bank paper currency? The whig legislative caucus, held in this hall, composed of the same men who will vote for these resolves, if the ruling party in this house vote for them, resolutions, drawn by yourself, Mr. Speaker, (Mr. Winthrop,) were unanimously adopted, a few nights ago, denouncing, in strong language, "the frauds and abominations of an irredeemable paper currency." That was your own resolution, Sir. You must have meant just such bank bills as we have now, for they are all utterly irredeemable. Let us compare these resolutions a moment. In one, you condemn an irredeemable paper currency, as a thing of frauds and abominations, and in the other you denounce the general government for not furnishing just such a fraudulent and abominable currency!

Was this the policy, to have one set of resolutions passed in caucus, for the use of the people of this Commonwealth, declaring irredeemable bank paper a fraud, and to send another set to Washington, denouncing the government for not furnishing such a currency? If this was the whig policy, if men who voted for those resolutions vote for this, their names will ring from the south fluke of Cape Cod to the northwestern mountains of Berkshire, as the arrantest set of political hypocrites that ever disgraced God's earth, by trampling on its surface. Was that too strong language? No, Sir. The people of Massachusetts are honest. They love plain dealing, and despise a man who talks to them with a double tongue; and if gentlemen meant to play this game to humbug the people, they had better hide their heads when they get five miles out of the city, into the honest country. They don't understand such policy.

In that same whig caucus, it was resolved, that all proper and practicable restrictions ought to be put upon the banks; but in this house, the same men had just voted not to put any restrictions upon the banks. They had just rejected (218 to 193) a proposition to bring the banks under the wholesome regulations of future legislatures, and refused to hold the banks to resume specie payment, (or rather payment, for they don't pay at all, but merely exchange one bad note for another) at any time.

Do not these resolves carry out that refusal, as a part of the policy of the opponents of the administration? Is it not from a determination to keep the currency in its present state, that the majority in this house oppose the prudent policy of the general government?

The whig resolutions which are to go out to the people, were passed in secret conclave. Was the inference, that the whig leaders had two voices to speak in, one to their masters at home, and another to their servants at Washington?

Here was the resolution of the whig caucus, and it was their unanimous opinion, that irredeemable bank paper is a system of abominable frauds. He begged the gentleman opposite (Mr. Treadwell) not to suppose he was reflecting on him, because that gentleman had told the house that no bank directors ran away but those who managed pet banks.

[Mr. Treadwell begged to explain. His bank (the Merchants, at Salem) had paid the government every dollar it owed.]

Mr. Rantoul did not doubt it; but the gentleman was none the less the president of a pet bank, though he did not think he would run away on that account. But he wanted to test the sincerity of whig professions by whig acts. If the whigs were sincere, when they unanimously adopted your resolutions, Mr. Speaker, declaring irredeemable bank paper an abominable fraud, can you tell me why they refuse, when it comes to the vote, to do any thing to check "the frauds and abominations" of our banking system?

Much had been said about widows and orphans owning stock in the banks, to a large amount. They would be rejoiced to have a stop put to the abominable frauds by which they are deprived of their property. You say, in caucus, it ought to be done, but when you come into the house, you vote it shall not be done.

But, at least, let the resolves that are to be sent to Washington mean something. This first resolve was pointless, false in fact, and of no force if true. He offered a better one, in the language of the Expounder, which did mean something. Would they vote him down? Suppose there was a little inconsistency between his position then and now, when did his followers falter in following him, change as often as he might? He has changed as often as a chameleon, and has been sustained here in all his changes. He did not see why the whigs did not vote both sides of the question, if they find Daniel Webster on both sides of it. At all events, send him these extracts from his own speeches, the best he ever made, when a young man, in the freshness of all his faculties. He could not believe that the majority could do Mr. Webster such an indignity as to condemn his sentiments, by rejecting a proposition in his own language. Still less could he believe that they would deliberately pass a resolve declaring a paper currency to be constitutionally required to be furnished by government, when their great Expounder has declared that the Constitution authorizes no such thing, and when every man in this house knows that the Constitution recognizes no legal currency of the United States but gold and silver.

Mr. Savage, of Boston, insisted that the speech of Mr. Webster, in 1816, strengthened the resolves against the sub-treasury. In 1815, 1816, and 1817, the situation of the country was such that three fourths of the Union paid the revenue in depreciated paper. In the other quarter, it was paid in gold and silver, or their equivalent. In 1814, most of the banks suspended specie payment. Consequently, in all the revenue collected after peace, the duties were actually received, in all ports south of Boston, in depreciated paper, and in all north of New York, in specie or specie paper. To correct this monstrous injustice, the distinguished statesman made the speech in 1816, and ultimately the whole country came to his opinion; as he hoped they would do now on the sub-treasury scheme, after his great speech against that measure. Mr. S. wanted now to see the proposition carried in Washington, that all bills of specie paying banks shall be received, and the banks would resume almost as soon as the intelligence should get here. The government is bent against this, and that it is that has brought us to ruin. The government then, must receive its dues in bank bills, and this would bring us back to a sound currency.

What objection, then, was there to the language of Mr. Webster in 1816? It was his wish to do then just what the government now refuses to do, but will be compelled to do, namely, to receive bills of specie paying banks. The banks now were stronger than they were fifteen years ago. All that was wanted to revive banks was a ray of sunshine from the south-west. The government was no doubt coining all they could of gold and silver, but that was of no benefit to the country. It was not gold and silver, but credit and confidence, which had made this country what it was; nobody wanted gold; he had no opinion of gold. The great republican basis was silver. It was said there was eighty millions of specie in the country. This was basis enough for all the paper that the sound banks ought to issue. Mr. S. saw nothing in the speech of Mr. Webster, in 1816, inconsistent with the position now, that the government should take bank paper.

Question was called all over the house, and the extracts from Daniel Webster's speech were voted down by his own friends, 78 to 214.

[Mr. Savage was totally mistaken in his notion of Mr. Webster's position in 1816. The resolution moved by Mr. Webster in 1816, did not propose that government should take the bills of specie paying banks, but just the contrary. The reception of bank bills was an amendment of his resolution; he went against them.

It is well known that the government takes the bills of all specie paying banks. Knowing this, the legislature gave the banks leave to refuse payment of bills over five dollars, till January next, with impunity. The object of the legislature in doing this, was to play into the hands of Mr. Biddle, and the distress and ruin party, of which he is the leader and the soul.]

SPEECH OF MR. RANTOUL ON THE RESOLVES AGAINST AN INDEPENDENT TREASURY.

The House having on Thursday, by an immense majority, rejected Mr. Webster's ideas on the subject of the currency, on Friday, Mr. Rantoul of Gloucester took the floor again, and discussed the resolves against an independent treasury, which had been unanimously adopted in the Senate.

Mr. Rantoul said, these resolves had been originally reported by a highly respectable joint committee, who, undoubtedly, like every other committee of this legislature, had discharged their duty honestly and conscientiously, reporting according to their own understanding or misunderstanding of the subject referred. Still those who differ from them in opinion have a right to express that difference in as decided a tone as language will convey it. I shall, therefore, comment on these resolves with whatever severity the case may seem to require, while, at the same time, I must insist that not the slightest disrespect of whatever nature is implied towards any member of that committee.

He was opposed to these resolves from their inherent and essential falsehood. He should vote against them because they seemed to him to be altogether and without qualification, false. In his opinion they were false in form; false in substance; false in the letter; false in the spirit; false in theory; false in fact; false in the general effect, and false in the details; false as a whole; and false in each and every part. Such, and so false as I have described them, said Mr. Rantoul, will the unanimous verdict of the American people, at no distant day, pronounce these resolves and all equivalent propositions, with which by the power of the press, at the command of allied wealth, this whole land has of late been flooded.

He then took up the resolves, and examining them clause by clause, demonstrated the entire and unmitigated falsehood of each.

The first resolve is in these words: —

"*Resolved*, That the sub-treasury bill, by making no provision for furnishing a currency in and between the several States, fails of performing a duty authorized by the Constitution, and demanded by the interest of the whole country."

This resolve is intended to censure the policy of the general government with regard to the currency. That this is its object appears almost in the commencement of the report, for the committee tell us that —

"The passage of this bill may deeply affect the prosperity of this Commonwealth. The statistical tables just published, showing the annual results of her industry, prove the amount of circulating medium required, and the distress that must ensue, if those who depend on their labor for a subsistence were dismissed for want of a currency to pay them. The general government has the power to render this currency safe and ample. From time to time, since the first administration, they have exercised this power to the great advantage of the community. They now shrink from the responsibility, and after the promise of a better currency, in fact declare, that the government should secure a sound one for its own use, and leave the rest to the States and to the people.

This seems to your committee a palpable dereliction of duty, and calls on the legislature to remonstrate against the bill, as failing to provide a circulating medium, and as withdrawing large amounts of specie, for the time at least, from the purposes of trade.

"But a currency at home, for the every day uses of life, is not all that the citizens of Massachusetts have a right to demand of a government expressly authorized and empowered to regulate commerce, and to facilitate the intercourse between the States. The products of their industry are scattered over every section of our land; their prosperity, their very existence as a commercial people, depends on the facilities of exchange. Stoppage in this respect has caused the failure of thousands who were unable as formerly to use at home the funds they possessed at a distance. The bill now under consideration offers no such facilities, and its mover, Mr. Wright, proposes, by an amendment, to prevent the possibility of receipts necessarily issued by the government, being used for such purpose."

The charge, then, against the administration is, that government does not furnish a currency in and between the several States; not simply that it fails to furnish it by the bill in question. For if that supposed duty were performed through the instrumentality of some other bill, or by virtue of some other legitimate authority, then it would be absurd and childish to complain gravely that this bill does not effect what it was never pretended to contemplate, but what is already fully and sufficiently accomplished by other means.

I, said Mr. R., impute to the committee no such stupid absurdity. Their resolve doubtless means something, and if so, taken in connection with the report which precedes it, it must mean, that the Constitution authorizes and the public interest demands, that the general government shall furnish a currency in and between the several States, and that government has not performed this duty.

There are two sorts of currency to which this resolve may allude; it may speak of a metallic medium, it may speak of a paper medium.

"The framers of the Constitution, (says Daniel Webster,) and those who enacted the early statutes, were hard money men. They had felt, and, therefore, duly appreciated the evils of a paper medium. They, therefore, sedulously guarded the currency of the United States from debasement. The legal currency of the United States is gold and silver coin."

Does the resolve assert, then, that the government have made no provision to furnish the legal currency of the United States, in and between the several States?

If so, it asserts what is false. The national government has most faithfully discharged its duty in furnishing the legal currency for use in and between the States. This it has done directly by coining. Within a few years past the mint has operated with unprecedented rapidity, furnishing many millions of our own beautiful currency, more indeed in a single year, than in many years ever gladdened the eyes or cheered the hearts of those hard money men who framed the Constitution. They have also brought into the country in coin, a large part of these indemnities recovered from foreign nations, which our Massachusetts merchants had long despaired of seeing. They have also, by their general policy, encouraged the importation of coin. From 1821 to 1833, inclusive, the gold and silver imported into the United States, amounted to $89,428,456, and there was exported $88,924,738, leaving in the country a balance of $603,718.

But during the next three years, the imports and exports of gold and silver were as follows: —

	Imported.	Exported.
In 1834	$17,911,632	$1,676,268
1835	13,131,447	5,748,174
1836	12,166,372	4,435,815

Making during those three years, a total of imported, $43,209,451; exported, $11,860,247; balance, $31,349,204.

Specie is now arriving, and will continue to arrive. In the month of April there will arrive in New York at least two or three millions of dollars' worth. The quantity now in the country is at least ninety millions; about three times what there was eight years ago. The government, by the specie circular, took an efficient step to prevent the currency from flowing out of the country at a time when it was supposed that such might be its tendency. What more would this legislature have the general government do towards furnishing the legal currency in abundance?

But if the resolve refers to a paper currency, I totally deny that the Constitution authorizes the government to furnish such a currency. The hard money men who framed the Constitution expressly refused to authorize the government to carry on banking. In the Convention which formed the Constitution the power to grant acts of incorporation was proposed to be given to the new government, and rejected on the very ground, that under that power they might create a bank. Massachusetts voted against the power. When the old bank was chartered, the whole democratic party opposed the charter, and continued opposed to the institution while it existed. In 1811, they refused to recharter it; and Henry Clay, then a democrat, in his speech against the recharter of the bank, thus expressed himself: "The great advantage of our system of government over all others is, that we have a written Constitution, defining its limits, and prescribing its authorities. But once substitute practice for principle, — the expositions of the Constitution for the text of the Constitution, — and in vain shall we look for the instrument in the instrument itself. It will be as diffused and intangible as the pretended Constitution of England. I conceive, then, Sir, that we are not empowered by the Constitution, nor bound by any practice under it, to renew the charter of this bank."

Upon the question of the constitutionality of this institution, no new light has since been shed. The official opinion drawn up by Jefferson in 1791, wherein he demonstrates that the incorporation of a bank has not been delegated to the United States by the Constitution, still rests unshaken on the same ground, which then sustained it. It is as true now as it was when Mr. Clay delivered his unanswerable argument against the bank, in 1811, that we have a written Constitution, limiting the powers of the federal government, — that the text of that instrument does not contain one word to warrant the federal government to create a bank, and that the framers of that instrument, by an express vote, refused to confer that power. The assertion still continues undeniably true, which Mr. Webster advanced in his able speech in 1816, in opposition to the charter of the present bank, that "the framers of the Constitution and those who enacted the early statutes on the subject, were hard money men, — they had felt, and, therefore, duly appreciated the evils of a paper medium. They therefore sedulously guarded the currency of the United States from embarrassment. The legal currency of the United States was gold and silver coin.

The government is not authorized, therefore, by the Constitution to create a bank to issue a paper currency. Is it authorized to receive, and pay out, and thereby force into additional circulation, the present irredeemable paper? Mr. Webster called the receipt of such bills, when they were received twenty-two years ago, "a state of things which everybody knows to exist *in plain violation of the Constitution.*"

At New York, on the 15th of March last, he said: —

"I abhor paper; that is to say, irredeemable paper, paper that may not be converted into gold or silver at the will of the holder." And again: "I hold this disturbance of the measure of value, and the means of payment and exchange, this derangement, and if I may so say, this violation of the currency, to be one of the most unpardonable of political faults. He who tampers with the currency robs labor of its bread. He panders indeed to greedy capital, which is keen sighted, and may shift for itself; but he beggars labor, which is honest, unsuspecting, and too busy with the present to calculate on the future. The prosperity of the working class lives, moves, and has its being in established credit, and a steady medium of payment. All sudden changes destroy it. Honest industry never comes in for any part of the spoils in that scramble which takes place when the currency of a country is disordered. Did wild schemes and projects ever benefit the industrious? Did irredeemable bank paper ever enrich the laborious? Did violent fluctuations ever do good to him who depends on his daily labor for his daily bread? Certainly never. All these things may gratify greediness for sudden gain, or the rashness of daring speculation, but they can bring nothing but injury and distress to the homes of patient industry and honest labor. Who are they who profit by the present state of things? They are not the many, but the few. They are speculators, brokers, dealers in money, and lenders of money at exorbitant interest. Small capitalists are crushed, they have no longer either money or credit. And all classes of labor partake and must partake in the same calamity."

On another occasion he described that "miserable, abominable, and fradulent policy which attempts to give value to any paper of any bank one single moment longer than such paper is redeemable, on demand, in gold and silver." He asserted that such paper "represents nothing but broken promises, bad faith, broken corporations, cheated creditors, and a ruined people."

You, Mr. Speaker, have told us in your confession of political faith, of the "frauds and abominations of irredeemable paper money," and the whig members of this legislature have, unanimously, in convention adopted that phrase as a part of their creed. No man here supposes, I believe, that the Constitution authorizes, or the public interest demands, that the general government should patronize and extend these frauds and abominations. Nor should I have thought this supposition worthy of a single remark, if the newspapers had not told us that in the United States senate, Messrs. Clay and Preston were manœuvring to make the government a participator in these frauds and abominations, and if so, in a week or two such may be the established whig policy. At present no man here will vindicate it.

Having thus shown the utter untruth of the first resolve, having shown that the government has not failed to make provision for furnishing the legal currency, that it is not authorized by the Constitution, or required by the interest of the people to assist in giving currency to the present irredeemable paper with its frauds and abominations, I proceed to the consideration of the second resolve which is in these words: —

"*Resolved*, That the sub-treasury bill would, by withdrawing from circulation large amounts of specie, diminish the basis on which State institutions are founded, place them in too great a degree in the power of the general government, deprive them of the means of extending usual and necessary facilities to those engaged in commerce and manufactures, and, by causing distrust, have a direct tendency to postpone the resumption of specie payments."

If any one were to assert that the probable effects of the sub-treasury bill are greatly overrated both by friends and foes, perhaps I should not differ from him. But its effects, so far as it has any, will undoubtedly be precisely opposite to those described in the resolve.

The sub-treasury bill will not withdraw from circulation large amounts of specie. There are now in the country, ninety millions of specie, *all of which is withdrawn from circulation* at this moment by the operation of that infallible law, founded on fixed principles of human nature, that two currencies, the one sound and the other depreciated, cannot circulate freely together; the baser will always banish from circulation the better currency. So, on the 10th, 11th, 12th, and 13th of May last, bank notes, being everywhere dishonored, in an instant depreciated. Specie, which before was circulation, was afterwards merchandise, a debased and fluctuating medium having usurped its proper place. So soon as the banks resume the payment of their obligations, so soon, and no sooner, whether the sub-treasury bill passes or not, will specie return to free circulation; return, too, in great abundance, for the country is likely to be glutted with the influx of coin, exchange being lower now than it ever was before known, with scarcely an exception, for many years.

After the resumption of specie payments, will this bill withdraw large amounts of specie from circulation? Until the 1st day of January next, all payments into the treasury may be made in the bills of specie paying banks. So far, then, no specie will be withdrawn. But what will happen next year? In the year 1839, one sixth part shall be paid in specie, and the other five sixths in good bank bills. Will not the business world come to an end then? The revenue of the government certainly cannot average more than thirty millions of dollars a year. One sixth of this, payable in specie, is five millions in payments during the year. And as in the probable state of our finances for many years to come, the same dollar may be fairly presumed to be employed in at least ten payments in a year, the additional quantity of specie required for that purpose will be five hundred thousand dollars. The paper currency of the United States and the specie in the country added together have for the last three years averaged considerably more than two hundred millions of dollars, of which sum the proportion likely to be employed under the sub-treasury system in 1839, is just *one fourth part of one per cent.* If emptying a teapot into the Atlantic Ocean makes the tide rise, then this alteration in the payment of duty bonds will surely cause a revulsion in the money markets. But as specie equalizes itself in the markets of the world, flowing where the state of business requires it, as easily as water runs down hill, our inquiry should have reference to the specie of the world, and not to the currency of the country.

O! cries some great whig expounder of the Constitution, while each particular hair bristles with horror, if we submit to the reckless policy of this mad administration, which shall never be imposed upon us while we have arms in our hands, specie enough cannot be found on the face of the globe, or dug from mines to carry on the business of the country!

How is that fact? The value of the gold and silver on the face of the globe is known to be about five thousand millions of dollars. The demand created by the sub-treasury bill in 1839, will require the ten thousandth part of that sum, or the hundredth part of one per cent. This one hundredth part of one per cent. is the sum total, in plain prose, of all that splendid whig imagery which has so delighted our imaginations, and which, for the want of an argument, has occupied so large a portion of the last eleven weeks. Those unheard of simooms which root up oak trees, the hurricanes, the volcanoes, the earthquakes, the tornadoes, the maelstroms, the surgical operations, the gallant ship stripped of sails, rigging, spars, helm, compass, provisions, sheet anchor, the crew in mutiny and no grog, darkness descending like a pall to cover the whole land, all these, and so many other beautiful figures, each the culminating point of a whole oration, by the application of a little common sense and a little arithmetic, are precisely equivalent to this one hundredth part of one per cent. and no more.

But some sage whig politician will inquire, seeing further into a millstone than his neighbors, how are we to get the specie? Whence will it come from?

Never trouble yourself about that, Sir. Specie flows where the state of trade requires it. More specie will arrive in the city of New York in this next month of April, than the extra demand created by the subtreasury bill, six years hence, when it is in full operation.

If, therefore, the effect were simply to withdraw from circulation all the specie for which the bill would create a demand, still no perceptible influence in contracting the currency of the world could possibly follow. But the effect does not stop here. This demand for specie will cause it to be brought into the country when scarce here, and will retain it when it would otherwise flow out, and the whole quantity thus drawn in, or left here, will be constantly thrown into circulation. The government must pay out what it receives, and in a series of years precisely as much as it receives. Who does not see, then, that the payment by government of thirty millions of specie in a year will infuse into the circulation a much greater proportion of the precious metals than if the government paid nothing but paper. The receipt of specie will attract it from abroad; the payment of specie will infuse it in circulation. The truth, therefore, is, in this particular, precisely the reverse of the language of the resolve from the senate.

How then will the operation of the bill "diminish the basis on which State institutions are founded?" It is as plain as that two and two make four, that it will enlarge that basis. The additional use for specie will insure an additional supply. If the banks resume the payment of specie in reality, and not a mere nominal payment as we have witnessed for at least fifteen years previous to May last, if they pay specie to every one who calls, readily, cheerfully, and in the most convenient form, instead of resorting to a variety of ingenious expedients to prevent such calls, then the State banks will keep on hand more specie than they now do, precisely in the proportion of the demand they have reason to expect. And this they may do without inconvenience, having six years' time to prepare themselves for it, and that by a process so gradual that it will be absolutely imperceptible while going on, while more additional specie will flow into the country during the next month, than this bill will make it necessary for the banks to accumulate in the whole six years.

Not only will they keep on hand more specie, but, as there will be a greater supply in circulation, it will be easier for them to recruit their stock upon any emergency. This clause of the resolve is, therefore, like the rest, diametrically contrary to the fact. The bill will not diminish, but will enlarge and strengthen the basis on which State institutions are founded.

The next allegation of this resolve is, that the bill will place the banks "in too great a degree in the power of the general government." This is, if possible, more false than any thing that has preceded it. Let us examine the nature of the change it will produce in the relative positions of the banks and the government. How are the banks now situated with regard to the government?

They are and for twenty years past have been entirely at its mercy. There has been no time since the war when the government could not have broken nearly all the banks if it had chosen to do so. It has always been in its power to collect the bills of any banks it might select, at different points, in large quantities and run upon them for specie, and break them down thereby, if the selection were skilfully made in the first instance, and the blow energetically and simultaneously inflicted, breaking all the other banks, and involving the whole system in one common ruin. But the government has not done this, and will not do it; and why? for the same reason, — if gentlemen will not admit that it may be influenced by better motives, — for the same reason that the engineer of a steamboat will not blow up the crew and passengers, because he would not like to blow himself up with them. The government has long had the power to break all the banks. It has broken none of them. The United States Bank has broken many.

Not only so, but with the deposit banks perfectly in its power, since their failure to discharge their duties, great forbearance has been displayed, and the most solicitous caution exercised not to break those banks in the operation of recovering the remaining deposits from them. By the express recommendation of the administration, congress have passed an act granting great indulgence in extending their time to pay over. Before this took effect the conduct of the treasury department toward them must have been extremely guarded; for if it had not managed the withdrawal of the public funds with the utmost delicacy, shrewdness, and skill, in the determination not to involve a single bank in any unnecessary embarrassment, it could not have failed to break down many of them.

It has broken none. Will it now begin? I have shown that it has not had the disposition; is it any more likely to entertain destructive propensities hereafter? Just the contrary, for if the bill passes, and the banks resume payment, as they must, and will, and shall very soon, in whatever shape it may pass, then the strength of the administration will depend very much upon a secure and steady state of the currency; for a second suspension of specie payments, with the consequent confusion and distress, would, in all the commercial cities, be charged, whether justly or unjustly, to the policy of the general government; while on the other hand, that returning prosperity, of which we already hail the bright dawn, will be very generally attributed, whether rightly or wrongfully, to the action of government, and the more so if it shall continue to bless us, as it probably will, without intermission, for the next three or four years. The government, therefore, have the strongest possible inducement, a controlling inducement, even if you could remove the present administration and put bad men in their places, to throw no obstacle in the way of a healthy action of the banks after they have resumed; but on the contrary its hold on public favor depends much on their success in the honest payment of their debts, which it will therefore cherish and promote as it values its own interest.

The government has taken the ground, that honesty is the best policy, and on this doctrine it stakes its claim to support. If the banks, by sincerely attempting to be honest, and failing in that attempt, should establish the doctrine in the minds of many, that honesty was the worst policy, such a result would go far, very far, to overthrow the present administration. The government will encourage them to become honest, and afterwards to continue so, by all the aid and facilities within its constitutional power.

However this may be, until the 1st day of January next, as the bill now stands, the banks are to be neither more nor less in the power of the general government than they are at this moment, and always have been. If they are in too great a degree in its power, it is false that this bill places them there. They are placed there and left there by Mr. Webster's resolution of April, 1816. If this bill passes, by the twenty-third section, until next January government must receive bills of specie paying banks, and no others; if this bill does not pass, by the resolution of 1816, they receive bills of specie paying banks, and no others. The bill makes no alteration, at present, as to the reception of bank bills.

This being the case, do gentlemen imagine that the administration, immediately on the passage of a bill which does not alter the law in this respect at present, will madly destroy itself by unjustly and without provocation exerting its power to destroy the banks, just at the moment when they return to the path of honesty and duty? Do gentlemen believe that the administration will commit suicide?

Their past experience should teach them to give a democratic administration credit for some practical sagacity. Whenever State street and Kilby street have congratulated themselves that democracy had taken the fatal step, had plunged itself into an abyss from which it could never rise, behold it standing on firmer ground than ever. When they look for its disastrous eclipse, it shines out brighter than ever. When they look for its final downfall, behold it towering more secure and lofty in the esteem and affection of a whole people, smiling at the impotent malice of the billows of wrath that lash the foot of the adamantine rock of truth whereon it stands. In 1832, loud and long was the anthem of joy from the whole host of Mammon. The recoil of the veto had prostrated Old Hickory! The veto strengthened him. In 1833, his popularity was unbounded. Some of us may judge of this from the evidence of our own senses. With our own eyes we saw the aristocracy of the city of Boston welcome the old hero with the homage of the heart, — for it could not have been all mere lip service. We heard them send up the universal shout that almost rent the blue concave. We saw them thronging his antechamber, — besieging his bedchamber, — scarcely leaving uninvaded his refuge on the couch of sickness; so eager were they to pour into his ear the testimony of their respect, their gratitude, and their love. Our ancient university of Harvard bestowed her highest honors upon her illustrious visitor, thereby honoring herself more than she honored him. And at Bunker Hill, the scene of the first great battle in the long struggle with British power which he himself had closed so gloriously at New Orleans, one of our most eloquent orators exhausted the language of panegyric to do justice to his virtues and his valor, for which appropriate tribute, in conjunction with his other merits, the orator has been nominated and elected by the dominant party in the Commonwealth to the office of governor. O no, Sir! King-loathed Columbia's brave and wise old man cannot have been, at that time, the object of the hatred of any citizen of Massachusetts. We have no bold, bad men, no senators, like Catiline, the Roman senator, when he aspired to the consulship, striving to pull down the virtue they cannot rise to emulate. Thousands witnessed the affection, it might almost be said the adoration, which the whigs of Boston manifested in 1833 for the defender and restorer of the Constitution, and since that time he has done much, very much, to strengthen their devotion, having fairly subdued, so that it will never recover, that deadly enemy whom we most hated and feared, the United States Bank monopoly.

Yet, Sir, in 1834, State street and Kilby street were again on tiptoe with glad expectation. Nicholas Biddle and the hero were in their death grapple. Nicholas will throttle him, was the cry of the Biddleites. Nicholas had loud talkers and fierce writers in his pay, some he had bought like cattle in the market; and they talked and wrote that Nicholas had the victory. In point of fact, who came out uppermost? Everybody knows, except in Boston and Philadelphia. In those two cities it is still a secret, but history and posterity will set the matter right, even in Boston and Philadelphia, as well as all over the world.

History and posterity will say that Andrew Jackson, by loosening the hold which the bank had on the government and on the people, was enabled to bid defiance to its arts and power, to defeat its onset to reconquer us and subject us anew to its detested sway; and that he thereby restored to its original pristine purity the violated Constitution of the United States.

Do not gentlemen remember the endless catalogue of whig victories in 1834, the tens of thousands of new made whig converts in almost every State in the Union, that for a few short months delighted whig credulity? And do not gentlemen remember that in 1835 the administration was stronger than ever? So mote it be! So will it be now. The dark clouds that sheltered the dim-eyed owls and bats of whig delusion are fast dissipating before the refulgence of truth, and in brief space the glorious sun of democracy will burst upon their gaze in dazzling splendor, clear and unspotted as the sun of Austerlitz.

A bold, just, and consistent course is the only safe policy for an individual, or for a government, whatever hoarse clamors of prejudice, or howling tempests of faction may rage around you. It is as true that there is no safety in cowardice, as that there is no peace for the wicked. The administration knows this truth, and it will push onward and right on.

Why will not gentlemen, then, seeing how often the government has been right and they have been wrong, how often the verdict of a great people has sustained and justified the administration and poured confusion into the hearts of its enemies, believe that it has still sagacity enough, far-sighted and comprehensive wisdom enough, not to destroy itself? If they will not believe, the event will convince them. The government will not run upon the banks the moment they resume payment; nor am I simple enough to suppose, notwithstanding all the declamation we have heard in this house for three months, that there is a man here who apprehends that they will do any such thing.

For the whole season the cry has been, that if the banks resume, the general government will collect their bills and send them home for specie, and so break them down. This was sufficiently absurd of itself; and now, to show that those who raised it understood its absurdity, the gentleman from Boston, Mr. Savage, complains, for a novelty, that the government will not take the bills of specie paying banks; if they would, says he, the banks would resume in a moment, as fast as the joyful intelligence could fly through the land. What would the gentleman have? First, if the government takes the bills, it is to ruin the banks by taking them. Second, if the government should refuse the bills, it would ruin the banks by refusing them. It is hard to suit those whose chief aim and study is not to be suited. Our whigs seem to think, that because in a whig monarchy, the king can do no wrong, therefore in a democratic republic the government can do nothing but wrong. Such a creed is surely consistent.

But the government will take the bills of specie paying banks whether the bill passes or not, as the gentleman will see if he reads it; and, therefore, by the gentleman's own showing, the banks ought to resume to-day. In this I agree with him.

The bill does not propose to alter the position of the banks until January next. After that time, will it "place them, in too great a degree, in the power of the general government?" Far from it. Indeed, directly the reverse will be its operation. The banks are now completely in the power of the general government the moment they resume; because, by the resolution of 1816, it must receive their bills for all its dues, and may with its whole receipts run on them for specie. But after next January, one sixth part of this power over them is to be taken away, for one sixth of its receipts are to be in specie, and it can only run on the banks with the other five sixths, which it receives in their bills. In 1840 it can only run upon them with two thirds of its receipts; in 1841, with one half; in 1842, with one third; in 1843, with one sixth; and in 1844 they are to be entirely emancipated from all fear of attack from the government, for it will have totally lost the power to act upon, being legally incompetent to have in its hands any demands against them, except the small balance that might lie over from the former year. If the banks did really fear the government, therefore, they would rejoice in the passage of the 23d section of the sub-treasury bill; they would ardently desire it, for when that section had gone into operation, if the government were disposed to crush the banks, regardless of consequences, and without scruples as to the method, it could not touch them. It would move in a different sphere, and would have no possible capacity to come into contact or collision with them. The opposition of the banks, therefore, to this section, shows that their pretended fear of the government is the rankest hypocrisy. Indeed, how could it be otherwise? They know that the government is not desirous to break down banks, for it has handled them tenderly. The government might have broken the deposit banks, had it run upon them when failing to discharge their duty. It might have broken them without leaving room to censure the treasury department, but so that all the blame which did not fall on the banks, would have fallen on the distribution bill. Gentlemen may say these banks were managed by their friends, and therefore they would not attack them. Not so! A majority of the directors of the deposit banks have always been whigs, taking all those banks together. The latest definition of a whig is one who is opposed to the sub-treasury system, and there cannot be a doubt that nineteen twentieths of the persons connected with those banks are included within this definition. If the government had thought it right to do evil that good might come of it, as the banks do when they refuse to pay their debts, because they say it is better for the public that they should not, they might, by breaking down these banks, have rendered certain the passage of the sub-treasury bill. For the choice was, and is, between these two systems, and the more explosions of pet banks the stronger the argument for the only system that can take their place. The report on the Commonwealth Bank, published by the whig legislature, perhaps aided as effectually the passage of the sub-treasury bill, as any thing that could have been done here, if this legislature had been unanimously in favor of the bill.

If the government did not run hard on those banks when they were embarrassing it, it will aid to the utmost such banks as shall sustain it, by doing their duty to smoothe the advent of returning prosperity.

So plain is this, that I am afraid lookers-on, who do not know the patriotic motives which actuate every member of this house, will suspect, when they hear it assigned as the principal reason why the banks should not resume payment, first, that the government will take their bills ; second, that it will not take them ; and neither fact having the slightest bearing on their duty or ability to pay their debts, will suspect, I say, that there is a large party in this house determined to put off specie payments for reasons which they do not choose to avow, and not caring under what pretence. I am afraid they will suspect from your conduct, for some persons are simple enough to suppose that actions speak louder than words, that, after denouncing in a printed resolution the frauds and abominations of an irredeemable paper currency, you intend to encourage and prolong these frauds and abominations to the utmost possible extent. Your conduct carries with it that appearance, and I confess I could not help drawing that inference myself, if I did not know how far above suspicion is every member of this house, and that we all sit here sworn to the faithful discharge of our duty. Such being the case, I should feel bound to resent the imputation, if any one should charge on the majority of this house a settled design to sacrifice the interests of the whole trading community for the chance of gaining a contingent political advantage by an insignificant faction, willing to purchase even a remote prospect of power and office, by any amount of misery that it may be necessary, for that purpose, to inflict on the whole commercial class, and indirectly through them, on the whole industry of the Commonwealth.

I know the almost overwhelming mass of circumstantial evidence that might be accumulated in support of such a charge ; but I have long learned not to place implicit confidence in circumstantial evidence. It is sufficient for me to have shown that the sub-treasury bill, for this year, places the banks no more in the power of the government than they were before, and that after this year, it will, if carried into full effect, gradually withdraw them entirely from the power of the government, leaving no possible medium through which it can operate on them.

The next allegation preferred by the resolve against the bill is this, that it will "deprive them [the banks] of the means of extending usual and necessary facilities to those engaged in commerce and manufactures." This is no more true than what precedes it. The present system extends unusual and unnecessary facilities precisely at the moment when their influence is most mischievous, and withholds the usual and necessary facilities when they are most needed. The bill, as far as it goes, will reverse that operation.

To make the public deposits a basis for bank discounts, and to receive bank bills in payment to government, are two practices having a common tendency. The effect of each is to promote the periodical inflation, and quicken the consequent periodical spasmodic contraction of bank accommodations and of the currency. If this destructive fluctuation which makes bankrupts of a majority of the young men who go into business in our great cities, be indeed a real benefit to those who are ruined by it, and to the public who suffer in their ruin, then the bill is objectionable, for it will diminish that fluctuation, which makes business in America a lottery with many blanks to one prize.

Let us examine first the practice of discounting on the deposits. These afford no assistance to business in its ordinary state, for the expenses of government being in the long run equal to its receipts, the balances on hand will be small, and only sufficient to carry on the business conveniently. But when trade tends to overaction, as soon as there is an excess of imports a surplus will accumulate from payments on duty bonds, and speculation in land being excited by the same bank expansion which stimulates foreign commerce, a surplus also accumulates from land sales. All this surplus is thrown in at once to increase the expansion, adding fresh fuel to the flame; and the greater the previous tendency to excess, the more additional stimulus will this employment of the deposits supply. The baleful consequences of this course are fresh in all our memories. The wrecks are now before us, the fragments strewed around us, the groans of sufferers ringing in our ears; and yet our wise men tell us that it is all *usual and necessary*, that an abundance of shipwrecks is an advantage to coast plunderers, and quite an agreeable variety in the life of the mariners; and they advise us to hang out again just such false lights as tempted these miserable victims to run on the rock, and all, say they, for the benefit of navigation, and especially to throw into circulation the useless funds of insurance offices, and to make work for shipbuilders.

They would hang out false lights, I say, luring to destruction. For the large loans from the deposits being made when speculation is rife, they cannot be made at any other time, urge on the feverish spirit of enterprise in its mad career. They urge it on, but like the demon conjured up by the spell of the magician, they abandon it in the extreme crisis of utmost need. When the inevitable contraction follows the fullest expansion, as naturally as night follows day, the government feels the general effect; its receipts from duties and from lands are cut off, and it must use up its surplus deposits. It calls on the banks for millions, just when their own necessities from the natural reaction were compelling them to curtail millions. Having powerfully contributed to exaggerate the reckless expansion, it now contributes equally to exacerbate the terrible contraction.

If the trading community delights to be ground up in this way every three or four years, ought not the government to allow them to be pulverized, ought it not to indulge them in their marvellous taste for misery? I think not: at least it should not help grind.

The receipt of bank bills for public dues has, to a certain degree, the same effect as banking on the deposits. It hurries on the expansion most when it is most ruinously crushing.

What gives rise to these fluctuations is that inherent and essential defect in the nature of paper money, its wrongful elasticity. It expands when it ought to contract, and contracts when it ought to expand. To this evil the sub-treasury bill proposes to apply, not an effectual remedy, but certainly a very useful palliative.

If this bill goes into full effect, and the deposits are not loaned, and specie only received, six years hence, the effect would be this. As soon as the effect of speculation is felt in increased importations and land purchases, the receipts of the government will withdraw from circulation a considerable amount of specie; this, by diminishing the amount of the circulation, will retard the too rapid rise of prices and prevent the excessive overaction. When the tide has turned, and business stagnates, and prices fall, then the receipts of government will be less than their expenditures, and they must pay out specie, thereby increasing the circulating medium, and stopping prices in their downward course. If the depression continues till it has paid out all its surplus, it must then issue treasury notes, for it must have funds, and its issues will still alleviate the pressure.

The sub-treasury system furnishes, therefore, a balance-wheel. It checks when you need a check, and it stimulates when you need a stimulus; while on the other hand the deposit system drives when you go too fast, and drags when you go too slow.

The sub-treasury system, by its tendency to keep the currency steady, and prices steady, tends to enable the banks to extend at all times usual and necessary facilities to those engaged in commerce and manufactures, though it does not enable them at any time to extend those unusual and unnecessary facilities, prompting only to destruction, which have made the deposit system the prolific mother of such wide spread woes. The contrary assertion of the resolve is proved to be false, and to this demonstration there will be no attempt, in this house, to reply.

The next allegation is, that "by causing distrust," it will "have a direct tendency to postpone the resumption of specie payments." How? Every thing is uncertain and afloat; the passage of this bill will remove the uncertainty. The banks will know what to depend upon. They will know that the government must take their bills if they resume. They will resume with confidence, for they will know that it is the policy of the administration that the sub-treasury bill shall be fortunate in its operations. It will be for their evident interest not to disturb or derange the currency. If any portion of these pretended fears are really entertained, if any distrust exists, it will be removed; for if the administration were worse than Beelzebub, as seems to be the prevailing doctrine in this house, the instinct of self-preservation must compel them to do all they can to promote the prosperity of the country. The banks will know prices are to be more steady, and business more regular, and the news of the passage of the bill ought to be a signal for the resumption of specie payments, the only serious obstacle to which, at the present moment, is the opposition of Nicholas Biddle.

There remains for consideration only the third resolve, which is in these words: —

"*Resolved*, That the sub-treasury bill, by giving to the government and its officers a different currency from that provided for the people, and by increasing the power and patronage of the executive, is hostile to the genius, and may be destructive to the permanence of our republican institutions."

The house have voted by an overwhelming majority, that the currency furnished to the government is neither better nor worse than that provided for the people. Where then would be the crime, if the charge were true? To have furnished two kinds of currency precisely equivalent, would not be a great practical evil. But the charge is not true.

The government proposes to receive and pay out specie, ultimately. So far it must furnish to others precisely what it requires for itself. Besides, it provides for the people the hard money of the framers of the Constitution as fast as the mint can strike it off, and by its policy, it has trebled the amount of gold and silver coin in the country.

If certain corporations provide for the people an irredeemable paper currency, with its frauds and abominations, is that to be laid to the charge of the government, which does all it can to discountenance the ruinous practice?

Messrs. Clay and Preston have intimated in the United States Senate, that the way to remove this incongruity is, for the government to patronize irredeemable paper. This house, treading in the footsteps of Mr. Webster, and with the doctrines of 1816 ringing in their ears, cannot mean to recommend the frauds and abominations, which your whig members denounced unanimously the other night.

But the great argument against the bill was, that it increased executive power. Heretofore the whig statesmen had insisted that with the power of the deposit banks, the government could corrupt and control the whole nation.

A man should be a candidate for the insane hospital, who should say that the appointment of four solitary receivers, in cities distant from each other, would give such a power as has been attributed to the deposit system.

Instead of taking power, the government relinquished it. The opposition say to the administration, take this great power; we offer it; we urge it on you. Mr. Rives says take twenty-five banks. Others say, take a national bank, the most tremendous engine of political influence.

The government says, no! We will put the money where we cannot use it for the purposes of power and patronage; where it shall not become a fountain of corruption.

The opposition say, loan out to the banks thirty millions, and take the control of a thousand bank officers, and the many thousand debtors of the banks, who cannot be influenced by this exercise of executive patronage.

The administration reject this offer, and prefer to stand on their strength in the deserved confidence of the people. They decline all this influence and power, and you cry out, usurpation, increase of executive power! With this spectacle of calm forbearance, and patriotic self-denial before your eyes, you select for your charge against the administration that very crime from which they are furthest removed, an undue assumption of power.

Another allegation was, that the sub-treasury bill would endanger the permanence of the Union. Not so. It was an United States Bank that would disturb the Union. It gave unequal advantages to particular States and sections, and was a bone of contention between them. The sub-treasury produced uniformity, equal justice to all States and sections, and was perfectly consonant with the genius of republican institutions. A great bank was necessarily hostile to the genius of our institutions, for it builds up a power within the government that may be stronger than the government; a sovereignty waging war with it.

The system of deposit banks was equally adverse to republican institutions. The inequality was the same by the operation of a few banks as by one bank; it distributes its favors locally.

The government was right in selecting the deposit banks as a stepping stone, in a course of reformation, for it would have been too great a stride to have gone from a United States Bank to the system now proposed, but it would be wrong to continue longer than is absolutely necessary for a convenient transition, in an intermediate position to which there are such well grounded objections.

Justice is the only foundation of a lasting union. The mode of keeping the public money which is cheap, simple, comfortable to the genius of our institutions, and equal in its operation, is decidedly the most conducive to the permanence of the Union, and of republican institutions, which, it is to be feared, could not survive the Union.

I have gone through these resolves, and shown the total falsehood of every sentence and part of a sentence in them. If there is a shred left of them, I should be glad to know where it is. *I shall vote against them because they are utterly false throughout.*

If any gentleman undertakes to reply, he will amuse the house with general declamation against the government, such as we have heard for eleven weeks past. He will not attempt to show that there is a particle of truth in either of these resolves. No man in this house dares to encounter so desperate a task.

REMARKS ON THE REPORT UPON THE MODE OF KEEPING THE PUBLIC MONEY.

In the House of Representatives, March 24, 1838.

[When Mr. Rantoul took the floor, Mr. Gray, of Boston, requested him to give way for a motion to prefix a title to the resolves before the house, saying that they had accidentally been reported, and allowed to pass the senate, without any title, which was very unusual; but on the suggestion of the speaker, that the title might be prefixed when the resolves came to be passed, Mr. Gray withdrew that request, and Mr. Rantoul proceeded as follows:] —

Mr. Speaker, — I am not at all surprised at that unprecedented peculiarity of these resolves, which seems to strike my friend from Boston so unpleasantly. The resolves, it seems, have no title. Well, Sir, why should they have? The committee probably felt the insuperable difficulty of describing or defining them. No title that the house would like to sanction, could adequately express the mass of misrepresentation which they contain, and the total absence of any direct bearing on the question now before the nation — how shall the public funds be kept? The resolves propose nothing; they only denounce, as worthy of all condemnation, the proposition for which every representative from Massachusetts voted, in 1835, to dispense with the agency or instrumentality of banks, in the fiscal operations of the government. The resolves are merely negative, and nondescript. I think I could propose a title that would be strictly applicable, but it would be far from flattering, and I let it pass.

I have stuck these three resolves to the wall like three bugs in a museum for the bystanders to gaze at. Gentlemen can take them down if they please, and send them to Washington; they will be only three dead nondescript insects when they get them there, — droll looking, while alive, with wings too weak to bear them up, and no stings in their tails, — now, nothing but three dead humbugs. As nobody rises to rescue them, as the whole house sits silent under the melancholy impression of their vanity and nothingness, I leave them where they are, and proceed to discuss the great question of the day, the mode of keeping the public moneys, for which, be it remembered, the resolves contain no proposition or suggestion.

Before I enter on the main subject, let me notice, a little more particularly, one or two intimations of the report that accompanies the resolves.

1. The report urges that the vast annual results of the industry of Massachusetts "prove the amount of circulating medium required, and the distress that must ensue, if those who depend on their labor for a subsistence were dismissed for want of a currency to pay them."

This appeal to a prejudice, only consistent with the most benighted ignorance, would not have been made by any one who did not wofully underrate the intelligence of the people. The annual products of the industry of Massachusetts, including those not mentioned in our statistical tables, amount to considerably more than one hundred millions of dollars. This fact has no tendency to show that the circulation ought to be depreciated by increasing the quantity. If the silver in the world were only one sixteenth part as great as it now is, it would be as valuable as gold is; it would perform the same exchanges that it now does, and perform them more conveniently; so that no labor would be discontinued for want of money to pay wages, and the world would be no poorer than before, except the want of silver bullion for use in the arts.

On the other hand, if gold were as plenty as silver now is, it would be as cheap; the whole quantity in the world would make no more purchases and pay no more wages than at present, only one would have occasion for sixteen ounces of gold to make the purchase that he now makes with a doubloon; the world would be no richer than it is now, except as to the use of gold for various purposes in the arts. What gives money value, therefore, is its scarcity; and if gold and silver could be rendered more abundant than paving stones, this would be no benefit to the productive industry of the State, but just the contrary. There is no danger of a deficiency in the amount of the whole circulating medium, though there may be, and often is a great scarcity of a sound currency when a baser currency has banished it from sight, and while it is struggling to find its way back again.

2. "The general government has the power to render this currency safe and ample," says the report, and "they now shrink from the responsibility." "This seems to your committee a palpable dereliction of duty."

A specie currency is perfectly safe. A currency of specie for small transactions, with paper of larger denominations for commercial purposes, resting on a large specie basis, and redeemable at any moment, on demand, in specie, would be both convenient and safe.

A currency, wholly, or mostly composed of bank paper is, and ever must be unsafe. Twice since the last war was declared, the banks in the United States have, generally, stopped specie payments, the last stoppage being almost universal. In 1830, there were, according to Mr. Gallatin, three hundred and thirty banks in operation, and one hundred and sixty-five, just half that number, had failed since 1811, in less than twenty years! The total failures of banks from 1811 to 1835, were one hundred and ninety-seven, and since that date the list has been fearfully lengthened.

Mammoth banks and national banks are no safer manufacturers of a currency than these smaller banks. Almost all the national banks in Europe have issued irredeemable and greatly depreciated paper, during most of the period of their existence. The Bank of England, the object of idolatry of all the disciples of Mammon among us, has issued irredeemable paper, more than half of the time since the first bank of the United States was chartered. Mr. Biddle's bank, which was asserted by him to be safer, stronger, and more prosperous than it ever was, having got rid of a connection disadvantageous both to the bank and to the government, has not only failed to fulfil its obligations, but is the greatest, and indeed the only serious obstacle to that general and immediate resumption of cash payments, which honesty and honor dictate to the banks, and which the best interests of the whole nation, I mean its pecuniary, political, and moral well being, imperatively demands.

The general effect of paper money banking in the excess to which it naturally tends, was admirably depicted by the late president of the United States in his message at the commencement of the second session of the twenty-fourth congress. His views are thus expressed in his usual plain and decided manner: —

"Variableness must ever be the characteristic of a currency, of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established.

"The progress of an expansion, or rather a depreciation of the currency, by excessive bank issues, is always attended by a loss to the laboring classes. This portion of the community have neither time nor opportunity to watch the ebbs and flows of the money market. Engaged from day to day in their useful toils, they do not perceive that although their wages are nominally the same, or even somewhat higher, they are greatly reduced in fact by the rapid increase of a spurious currency, which, as it appears to make money abound, they are at first inclined to consider a blessing. It is not so with the speculator, by whom this operation is better understood, and is made to contribute to his advantage. It is not until the prices of the necessaries of life become so dear that the laboring classes cannot supply their wants out of their wages, that the wages rise, and gradually reach a justly proportioned rate to that of the products of their labor.

"When thus by the depreciation in consequence of the quantity of paper in circulation, wages as well as prices become exorbitant, it is soon found that the whole effect of the adulteration is a tariff on our home industry for the benefit of the countries where gold and silver circulate, and maintain uniformity and moderation in prices. It is then perceived that the enhancement of the price of land and labor, produces a corresponding increase in the price of products, until these products do not sustain a competition with similar ones in other countries; and thus both manufactured and agricultural productions cease to bear exportation from the country of the spurious currency, because they cannot be sold for cost. This is the process by which specie is banished by the paper of the banks. Their vaults are soon exhausted to pay for foreign commodities; *the next step is a stoppage of specie payment*, — a total degradation of paper as a currency, — unusual depression of prices, — the ruin of debtors, and the accumulation of property in the hands of creditors and cautious capitalists."

Is such a currency safe? It has been the curse of England and America, from which the present administration are laboring hard to free us now, and in some good degree to secure us hereafter. The majority of this house are the implicit followers of Daniel Webster, and before they call upon government to adopt a course which will extend the empire of irredeemable paper, before they remonstrate against the application of the only check which government can apply to prevent excessive issues, it may be well to remember the character attributed by Mr. Webster, less than six years ago, to the currency they now regard with so much favor. I will read an extract from a speech of Daniel Webster on the floor of congress, in 1832: —

"Of all the contrivances for cheating the laboring class of mankind, none have been more effectual than that which deludes them with paper money. *This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow.* Ordinary tyranny, oppression, excessive taxation, these bear lightly on the happiness of the mass of the community, compared with fraudulent currencies, and *the robberies committed by a depreciated paper.* Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice and intolerable oppression, on the virtuous and well disposed, of *a degraded paper currency, authorized by law, or in any way countenanced by government.*"

The "palpable dereliction of duty" of which the report complains is, that the government will not authorize, by law, or in any way countenance, "the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow." That they will not altogether surpass, in the enormity of their oppressions, all ordinary tyranny, oppression, excessive taxation, by overwhelming them with fraudulent currencies, and the robberies committed by a depreciated paper. This is the crime, charged in the report, that they will not, at your bidding, embark in that "miserable, abominable, and fraudulent policy, which attempts to give value to any paper of any bank one single moment longer than such paper is redeemable, on demand, in gold and silver;"

that they will not assist to force into circulation a currency which "represents nothing but broken promises, bad faith, bankrupt corporations, cheated creditors, and a ruined people;" that they will not assist you to perpetuate what you voted *unanimously*, the other night, to be "the *frauds* and *abominations* of irredeemable paper money;" and that they propose to check these "frauds and abominations," in the mode pointed out by Mr. Webster, in 1816, by exercising "the only power which the general government possesses of restraining the issues of the State banks, to refuse their notes in the receipts of the treasury." These, indeed, are weighty charges for a whig legislature to present before the sovereign people against the government of that people's choice, and the report, in selecting its point of attack, furnishes an admirable and characteristic exemplification of whig sagacity and consistency.

It now remains to see what government has done; and it is believed we shall find that they have mitigated the very evils charged upon them.

What has the government done? It has attempted, by gradually infusing more of the precious metals into the circulating medium, to fix it upon a basis which would not be subject to those extreme fluctuations which our banks have produced. In this, they have been steadily opposed by the whole federal press and party, with a zeal and determination worthy a better cause. When that policy has been pursued which has served to alleviate and prevent that confusion into which our monetary system had been thrown, we have heard only the repeated cries of "war on the people," — "tampering with the currency," — and "opposition to the banks." But, notwithstanding, the government has progressed, in spite of opposition, and has greatly increased the amount of gold and silver. The mint was established in 1783, and on examining the history of its operations, it would be found that more than half of the whole amount coined had been since the election of Andrew Jackson as president. The whole amount coined since the establishment of the mint, as appears by its return, was, in gold, $23,250,340; in silver, $48,835,192; in copper, $795,915; total, $72,881,547.

Of that sum, over fifteen millions of gold, and nearly twenty-two millions of silver, had been coined since Andrew Jackson commenced ruining the country, — as much as had been coined for the thirty-five preceding years.

In this time of shin-plasters and fractional bills, too, it would be inquired what government had done in coining small change. I have before me a true and correct statement of the coinage of small change from 1829 up to and including the past year, — and being greater by two thirds for the last eight years, than for thirty-five years preceding: —

	25 cents.	10 cents.	5 cents.
1829,		77,000	1,230,000
1830,		510,000	1,240,000
1831,	388,000	771,550	1,242,700
1832,	320,000	522,500	965,000
1833,	156,000	484,000	1,370,000
1834,	286,000	635,000	1,480,000
1835,	1,952,000	1,410,000	2,760,000
1836,	272,000	1,190,000	1,900,000
1837,	250,400	1,042,000	2,276,000

The question next follows, where is this coin, large and small? It has, some of it, been purchased for exportation, and the general suspension of specie payments of banks in May last, has afforded them all an opportunity to sell it and speculate upon it. Yet the best data from which estimates can be drawn, show that we must have about ninety millions of specie in the country now, while between twenty and thirty millions was the sum in 1830.

Here, then, was another fact that the course of the general government had been one which was calculated to assist our banks in resuming specie payments. It could be mathematically demonstrated, then, that if any given time was required for them to resume, on eighty or ninety millions of specie, it would require four times as long to get ready on twenty millions. These things show what government has done, — and it was most deeply regretted that its policy was not earlier commenced. Had such been the case, the blasting influence of our present monetary system would not have swept over our happy land like a besom of destruction.

At present government is doing all it can to carry out its policy of furnishing a safe currency, and the course of trade favors its efforts. In 1836, the imports of specie were, $12,166,372, and the exports, $4,435,815. In 1837, imports, $10,954,432; exports, $7,714,990; and it is now flowing in faster than ever before known.

3. The report alleges, that our "very existence as a commercial people depends on the facilities of exchange; stoppage, in this respect, has caused the failure of thousands," &c.

Exchange is the transmission of values, and to complain that the government has not furnished the vehicle for this transmission is about as reasonable as to complain that it has not provided wagons for the transportation of beef, pork, and flour. Facilities for the transfer of values, and for the conveyance of merchandise, are both highly advantageous; but the government has not been authorized, in the Constitution, to create either. It would be a dangerous usurpation of power not given, if the government were to monopolize the building and sale of shipping for the coasting trade; it would be a usurpation equally objectionable for the government to take into its own hands the instrument of exchange, since it would thereby control the whole course of business; a power not to be tolerated, whether exercised directly, or through the instrumentality of a corporation, or a league of them.

But though government should not furnish the instrument of exchange any further than by coining money, yet in determining how it shall receive, keep, and disburse its own funds, it is important to ascertain how any proposed mode would incidentally affect exchanges. To receive the public dues in bank paper, and make them the basis of discounts, goes as far as government can go to increase the fluctuations in the currency and in business, and thereby to derange the exchanges. To receive the public dues in the legal currency of the United States, and employ them only for constitutional purposes, does all the government can do to make the currency and business of the country steady, and thereby to keep the exchanges also steady.

While the exports of the country, with the profit on them, pay for the imports, and the productions of each section pay for its consumption, there is no derangement of either foreign or domestic exchanges, whether you have, or have not, a national bank. But when, by the stimulus which the United States Bank, the deposit banks, and the whole banking system, have applied to trade, a general overaction is engendered, so that the imports exceed the exports some fifty or sixty millions of dollars in a year, and the west and south-west purchase more than all their ready means, and their next year's crop spent before it is planted, can pay for, it is evident that our credit abroad must suffer a shock, and our domestic exchanges be thrown into confusion. If the proceeds of all the products shipped from New Orleans have been used up, and the proceeds of two years' crops anticipated, and all the credit that can be based upon them used up also, it is plain that nobody in New Orleans can draw a good bill on New York, simply because neither funds nor credit are left there to be drawn for. Unless a United States Bank enables people to pay their debts, who have nothing wherewith to pay them, it could not cure this mischief. It might, and would, have made it worse, by enabling the speculating debtors to push their credit a little further beyond their means of actual payment, and thereby making the crash more terribly ruinous, when the crazy fabric of fictitious credit finally toppled down. Fifty banks, each as large as Biddle's, could only have delayed the catastrophe of overstrained credit, to overwhelm its victims more fatally, when the dam burst, in a deeper torrent of destruction.

No bank or banks can equalize the currency of different sections while such vast balances remain unsettled. The United States Bank tried this in 1819. It drained the west of specie, broke the western banks and merchants, bankrupting whole cities together; then closed its western offices, and abandoned the attempt in despair, for if it had persisted, it must have perished. Its president, Mr. Cheves, testified that "all the resources of the bank would not have sustained it in this course and mode of business another month," so that it paused only when on the very brink of bankruptcy. Many years after, when the exchanges had regulated themselves, the bank stepped in to reap the profit, and took, as usual, the lion's share of the spoils.

In the chaos which follows a regulation of the currency by a mammoth bank, stimulating all other banks to a delirious overaction, it may often happen that the difference of exchange will equal the difference of depreciation in the local currencies of two sections. Between New York and Mississippi, or Alabama, there is now a difference of twenty or twenty-five per cent., or even more. If there were in circulation an abundance of gold, the premium for exchange could never exceed the expense of transporting gold, a very small per centage for the greatest distances.

The sub-treasury bill, therefore, so far as it banishes paper and introduces gold, not only prevents that wild excess in speculation, which throws the exchanges into confusion, but furnishes an easy, speedy, and effectual remedy for such confusion, the transmission of distant balances in gold. Under such a system the facilities of exchange can never be cut off.

4. The report asserts that "the people of Massachusetts are attached to their old institutions, and are unwilling to sacrifice them to vague theories and untried experiments. With their State institutions, they have advanced to prosperity and affluence; on these institutions no stain was ever cast, until acts of the general government crippled them as to their means, or tempted them to their destruction."

Sir, our present mode of banking in this State was, until quite lately, an untried experiment. It rests upon a vague theory that banks can, by some legerdemain, alchemy, or magic, create wealth out of nothing, and it is to this vague theory that our old institutions, and old fashioned merchants, have been sacrificed by swindling experimenters. The experiment, untried before, but now satisfactorily tested, was to ascertain how long a bank could pay its debts, having nothing in its vaults but confidence wherewith to pay them. The result is before us. The confidence lasted twelve years, which is longer than one would have thought. The experiment began in 1825, and ended in the dim eclipse of 1837, which still sheds its disastrous twilight over us.

From 1803 to 1824, inclusive, it appears by the returns which we have ordered to be published, that the specie in our Massachusetts banks averaged considerably *more than half* the full amount of their circulation. In 1825, it suddenly sunk to about *one fourth part*, which was the average for six years, from 1825 to 1830, inclusive. In 1831, it suddenly sunk again to *less than one eighth part*, which continued to be about the average proportion for the next seven years.

That it may be seen there is no mistake about these facts, I will give the official returns, as we have ordered them to be published. They are found in printed document of the senate, No. 38.

I. First period, from 1803 to 1824, twenty-two years, during which the specie is equal to *half* the circulation.

Years,	1803.	1804.	1805.	1806.
Bills out,	$1,565,189	1,695,301	1,553,824	1,613,684
Specie,	1,079,928	977,902	847,998	959,394

Years,	1807.	1808.	1809.	1810.	1811.
Bills out,	$1,481,777	1,038,042	1,334,948	2,098,491	2,355,571
Specie,	714,783	1,015,843	821,942	1,347,722	1,513,000

For the next four years the specie *exceeded* the circulation. I omit them for the present.

Years,	1816.	1817.	1818.	1819.	1820.
Bills out,	$2,134,690	2,495,260	2,680,477	2,464,057	2,614,734
Specie,	1,260,210	1,577,453	1,129,598	1,198,889	1,280,852

Years,	1821.	1822.	1823.	1824.
Bills out,	$3,010,762	3,132,552	3,128,986	3,842,641
Specie,	3,048,829	946,266	1,033,375	1,939,842

II. Second period, from 1825 to 1830, six years, during which the specie is about *one fourth* of the bills not on interest. In 1825, *bills bearing interest* make their first appearance in the returns, but disappear again in 1829.

Years,	1825.	1826.	1827.	1828.
Bills not on interest,	$4,091,411	4,549,814	4,936,442	4,884,538
Bills bearing interest,	1,902,853	1,855,065	1,728,881	2,599,326
Total of bills out,	5,994,264	6,404,879	6,665,323	7,483,864
Specie,	1,038,986	1,323,820	1,466,261	1,144,645

Years,	1829	1830.
Bills out,	$4,747,784	5,124,090
Specie,	987,210	1,258,444

III. Third period, from 1831 to 1837, during which the specie was about *one eighth* of the circulation, and the "vague theory" was fully tested, blowing up the experimenters with a prodigious explosion in May, 1837.

Years,	1831.	1832.	1833.
Bills out,	$7,739,317	7,122,856	7,889,110
Specie,	919,959	902,205	922,309

Years,	1834.	1835.	1836.	1837.
Bills out,	$7,650,146	9,430,357	10,892,249	10,273,118
Specie,	1,160,296	1,136,444	1,455,230	1,517,984

In these tables we have the full history of the Massachusetts experiment to ascertain whether banking on confidence and delusion and moonshine, is not vastly safer and better than banking on gold and silver. One would think the result conclusive; but what are facts to whig principles? Have they not always been opposite to each other? The prevailing opinion in State street still is, that gold is a silly humbug, and that rags and moonshine are something solid, substantial, durable, — something that can be depended upon. The whig doctrine in this house and through this State is, that it is both foolish and wicked not to have implicit confidence in the truth of promises known and avowed to be false. If any one whispers a doubt, the whig oracles rave like a Pythoness on the stool of inspiration against specie humbugs, and to the praise and glory of the "sound currency" of promises impossible to be performed. A bank says to its customer, in effect, I promise to pay you on demand so many dollars, but don't be fool enough to imagine you will ever touch one of them; I give you fair warning that I never keep my promises. The printed and written contract which you hold in your hand is false; but if you do not, in all times and places, profess to believe it is true, you deserve a coat of tar and feathers, for impairing the public confidence in my ability and disposition to pay what I can't pay if I would, and what I wont pay if I could. The tables show us the precise gradations by which the banks arrive at this appropriate and final consummation of the whig policy on the subject of the currency.

For the first period of twenty-two years, the banks had on hand specie equal to one half of their circulation; and as they discounted short business paper for the convenience of the trading community, they always had it in their power, by a slight curtailment, to command resources sufficient to redeem all their bills on demand in specie, as fast as they could possibly be sent home upon them. During this first period, therefore, whatever other objections might be urged against the banks, their bills were, generally speaking, sure to be convertible into specie; there was no danger of a very general failure.

But during the second period, while the circulation on demand was four times the amount of the specie, and including post notes, or bills bearing interest, five times, and, in one instance, six times, the amount of the specie, the practice began to grow up of organizing banks by borrowers, instead of lenders, and of making long loans by renewing accommodation notes for the convenience of their directors. Their resources were much less within their control; and there was a possibility, to say the least, of a general suspension of cash payments, if war, or any other national calamity, had suddenly shaken the public confidence in the stability of the banks. The danger, however, was not so imminent as to attract the immediate attention of any but close and philosophic observers. It was a state of transition; and but few saw where it would end.

The banks becoming more than ever before instruments of speculation, there was a strong inducement to multiply them far beyond the legitimate wants of business. The number of banks, the amount of their capital, loans, and circulation, increased rapidly. In 1815, there were 25 banks, with a capital of $11,462,000, and the total amount of their loans was $13,735,101. In 1824, there were 37 banks with a capital of $12,857,350, and their loans in all, $17,401,613. Their capital had been almost stationary for nine years, and their loans had risen only about one fourth. Now mark the rapid increase of the second period, at least for the first five years, until the stagnation of 1830.

Years,	1825:	1826.	1827.	1828.	1829.
No. of banks,	41	55	60	61	66
Capital,	$14,535,000	16,649,996	18,269,750	19,337,800	20,420,000
Loans,	21,973,961	23,617,660	24,271,031	27,073,978	28,590,896

The number of banks had doubled since 1822, in only seven years; the amount of capital and of loans had almost doubled in the same time.

	No. of banks.	Capital.	Loans.
In 1822,	33	$10,821,125	14,571,020
1829,	66	20,420,000	28,590,896

The business of the Commonwealth, in the meanwhile, had been passing through a series of the most destructive catastrophes. The sudden and terrible crash of the autumn of 1825, the prolonged disasters and the settled gloom and despondency of 1828 and 1829, are associated in our memories with the banking and speculating spirit of that period.

The third period, however, in which the specie was equal to one eighth of the circulation, was to try the "untried experiment," and sacrifice both banks and people to the "vague theory" of Massachusetts whig legislation. The untried experiment was to prove how far the bubble could be inflated without bursting. The vague theory was, that paper without a specie basis is better than with it. Both points are now settled by experience, yet the exploded paper mills are dearer than ever to the millers and their men.

This cheap mode of coining money from rags was too captivating a privilege not to be eagerly sought for and improved. It was a legalized system of plunder and piracy, whereby the privileged order levied contributions on the industrious, and appropriated their gains. The number of banks, their capital, and their loans, which had doubled in seven years prior to 1829, doubled again in seven years after 1830. The following is their progression in the third period of our banking, taking the year 1830 as a point of depression to start from.

Years,	1830.	1831.	1832.	1833.
No. of banks,	63	70	83	102
Capital,	$19,295,000	21,439,800	24,520,200	28,236,250
Loans,	27,987,234	36,040,760	38,889,727	45,261,008

Years.	1834.	1835.	1836.	1837.
No. of banks,	103	105	117	129
Capital,	$29,409,450	30,410,000	34,478,110	38,280,000
Loans,	47,200,477	48,342,019	56,643,171	58,414,182

In fifteen years, the number of banks, the amount of capital, and of loans, had been quadrupled, or thereabout. This immense fabric of credit reposed upon a very narrow basis. While the specie in the banks had not increased for twenty years, their inflated circulation was not the only dangerous symptom of their new condition. Owing to the altered mode of doing business, consequent on the multiplication of banks, the deposits had increased in as great a proportion as the circulation.

Contrast their last year's returns, in this respect, with those of ten, twenty, or thirty years ago.

	Circulation.	Deposits.	Specie.
In 1807,	$1,481,777	1,713,968	714,783
1817,	2,495,260	3,520,793	1,577,453
1827,	6,655,323	3,300,746	1,466,261
1837,	10,273,118	14,059,448	1,517,984

In 1807, the specie is to the aggregate of circulation and deposits, as one to three ; in 1817, as one to four ; in 1827, as one to seven ; and in 1837, as one to sixteen ; yet people are astonished at the suspension of specie payments, as if something out of the ordinary course of things had befallen them.

To show more fully the progress of the deposits, I will state them for each period. Deposits on interest are reckoned with those not on interest, and indeed they are more dangerous to the stability of a bank, tempting it more insidiously to its ruin.

	Circulation.	Deposits.	Specie.
In 1803,	$1,565,189	1,522,271	1,079,928
1804,	1,695,301	1,122,119	977,902
1805,	1,553,824	1,021,229	847,998
1806,	1,613,684	2,036,490	959,394

Take also the last years of the same period.

	Circulation.	Deposits.	Specie.
In 1818,	$2,680,477	2,905,797	1,129,598
1819,	2,464,057	2,574,346	1,198,889
1820,	2,614,734	3,176,003	1,280,852
1821,	3,010,762	5,448,608	3,048,829
1822,	3,132,552	3,235,828	946,266
1823,	3,128,986	3,122,058	1,033,375
1824,	3,842,641	5,238,644	1,939,842

During the second period of six years, from 1825 to 1830, inclusive, the deposits averaged considerably *less* than the circulation, which I have already said was four of paper to one of specie.

But during the third period, from 1831 to 1837, while the whig "vague theory" of banking was carried to its full length, the deposits averaged considerably *more* than the circulation, which I have already said was eight of paper to one of specie. Look more particularly at the sudden and alarming increase of deposits in this third period, taking the year 1830, as a sample of the second period, for a point of departure.

	Circulation.	Deposits.	Specie.
In 1830,	$5,124,090	6,379,825	1,258,444
1831,	7,739,317	8,952,913	919,959
1832,	7,122,856	9,207,555	902,205
1833,	7,889,110	11,666,123	922,309
1834,	7,650,146	13,308,058	1,160,296
1835,	9,430,357	10,921,700	1,136,444
1836,	10,892,249	15,262,445	1,455,230
1837,	10,273,118	14,059,448	1,517,984

These facts are pregnant with instruction for all future experimental bankers. Let us measure the approach of danger with still greater precision. The proportion of the aggregate of circulation and deposits to the specie was,

In 1830,	as nine to one.	In 1834,	as eighteen to one.
1831,	eighteen "	1835,	eighteen "
1832,	eighteen "	1836,	eighteen "
1833,	twenty-one "	1837,	sixteen "

It seems, then, that the approach of the danger was not gradual, but sudden. It was fastened on the banks between June, 1830, and October, 1831. During the whole period from 1825 to 1830, the proportion of specie liabilities to specie, had been about seven to one. In 1830, they were nine to one, and in 1831, they rose suddenly, and at a single bound, to the perilous disproportion of eighteen to one; at or near which point they continued, through all vicissitudes of business, until the explosion. The banks, which, as a whole, were safe down to 1824, were in a very precarious condition from 1825 to 1830; but in 1831 it became, and for six years continued to be, perfectly certain that a universal refusal to pay their bills and deposits must be the effect of the first serious run on them for specie. Of this they were forewarned, again and again, but they laughed at counsel, and persisted in trying the before "untried experiment," until they had sacrificed to a "vague theory" the honor and credit of our old institutions. Let them not now basely attempt to shuffle off the responsibility of their own unwise policy, and to throw it on the shoulders of those who never ceased to remonstrate in loud, and earnest, and indignant tones, against their insane temerity, and its inevitable, wretched issue.

This review of the course of Massachusetts banking enables us to decide with certainty upon the justice or injustice of the imputation cast by the report upon the general government, which, it is asserted, crippled our banks as to their means, or tempted them to their destruction. To what acts of the general government can this charge refer? I suppose the bank veto, the removal of the deposits, and the specie circular, are the three acts of which the dominant party in this Commonwealth, and to which, by a vague theory, they ascribe the derangement of the currency. Neither of these acts produced an effect on our banks sufficient to be perceptible in the returns.

President Jackson vetoed the bill for the recharter of the United States Bank, on the 10th of July, 1832. The bank had out a loan of about seventy millions, and the danger apprehended was, that in calling in this loan, it would compel all other banks to curtail their loans and circulation, and, by settling balances with them, deprive them of their specie. No doubt this fear somewhat checked the tendency to expansion on the part of the banks, and the disposition to embark in the business of banking, but it could not entirely repress the tendency. The capital, loans, and circulation, all increased during the next year, in spite of the check experienced from the alarm the veto occasioned.

	Capital.	Loans.	Circulation.	Specie.
In 1832,	$24,520,200	38,889,727	7,122,856	902,205
1833,	28,236,250	45,261,008	7,889,110	922,309

It does not appear, therefore, from the conduct of the banks immediately after the veto, that that act of the general government had "crippled them as to their means." On the contrary, their means were increased, and they made an increased use of them. Nor "did it tempt them to their destruction," for it put them upon their guard; if it had any effect, it was to make them cautious, for all their friends predicted ruin to banks and banking. Mr. Webster declared that the blow would be one "of tremendous force and frightful consequences," and such was the professed belief of the whole bank party. Of course, it will not be pretended that this blow was a temptation.

The removal of the deposits commenced on the first of October,

1833. Did this act cripple them of their means? It placed at the disposal of a few of their number, large sums of money, for about three years, which, if prudently managed, would have been a boon of great value, and which excited great envy and jealousy in all the other banks. This enabled them to counteract the pressure by which the United States Bank was crippling them of their means. In August, 1833, the bank began to contract, and in six months its curtailment, in Boston alone, amounted to four millions and two hundred thousand dollars. By this fierce warfare of that powerful institution upon the banks, the currency, and the people, it crippled them of their means, so far as to produce a very slight falling off in the circulation; but the government sustained them, so that they not only increased their loans under the pressure, but in seven months added twenty-five per cent. to their stock of specie. The change in their condition from October, 1833, the date of the removal of the deposits, to May, 1834, the last days of the panic, was as follows:—

	Capital.	Loans.	Circulation.	Specie.
October, 1833,	$28,236,250	45,261,008	7,889,110	922,309
May, 1834,	29,409,450	47,200,477	7,650,146	1,160,296

Consider this statement carefully, and make what estimate you please for the effect of the unrelenting cruelty with which the mammoth bank applied the torture, and you must allow, that the relief afforded by the bold movement of the government was of immense benefit, both to the banks, and to the trading community. By virtue of this relief, the total diminution of bank accommodations to the citizens of this Commonwealth, was less than one half the actual curtailment by the United States Bank in Boston. Yet those who suffered under this curtailment, in the midst of their agony, with signal wisdom and gratitude, blessed Biddle, their tormenter, and cursed the government, their preserver.

The effect attributed to the removal of the deposits, in popular declamation, by the panic makers in Congress and out, was, that it made money so scarce, that it could not be had on the best of credit. The stated increase of loans shows this to be false, but the amount of deposits on hand shows the falsehood of the charge in a more glaring manner. From 1825 to 1830 the deposits averaged less than four millions. After that they increased rapidly. In 1832 they were larger than they ever had been before. Let us see whether the veto, or the removal, diminished them.

	Deposits.
In 1832,	$9,207,555
1833,	11,666,123
1834,	13,308,058

The panic commenced in September and ended in June. Here, then, we have the fact, that a month after the setting in of the panic, there were eleven and a half millions of dollars, and a month before its departure, more than thirteen millions, lying idle in the vaults of the banks, which the owners had no occasion to use, either in their own business, or in safe loans to individuals. There was plenty of money on hand then, owned by those who had no use for it; and if those who wanted could not borrow it, because their credit was shaken by a false alarm, for all such distress, let them thank Messrs. Biddle, Clay, McDuffie, Webster, and other industrious manufacturers of groundless panic, who spared no pains to ruin them.

The deposits at that time were largely on interest. It is worth our while to notice, therefore, that the deposites not on interest increased after the veto and the removal. They were in

1832,	$2,938,970	1835,	5,422,266
1833,	3,716,182	1836,	8,784,516
1834,	4,910,053	1837,	8,467,198

Thus continuing at this high point, notwithstanding the withdrawal of all the government deposits from the pet banks, except some small balances.

The removal of the deposits in 1833 did not, then, cripple the banks as to their means; did it tempt them to their destruction? Certainly not as a whole, for their condition immediately became more safe, as shown by the aggregate returns. In 1833, at the time of the removal, the proportion of circulation and deposits to specie was as twenty-one to one; but in May, 1834, it was only eighteen to one, and did not rise higher until the suspension of cash payments. As a whole, they were not quite so unguarded after the removal as before.

If the removal of the deposits tempted either city or country banks to put out a circulation which they were not prepared to redeem, it must have had this effect on the city banks. What change, then, took place in this respect in October, 1833, and afterwards? The specie basis in the city banks, which was reduced very low in the sudden change in the state of our banks which took place in 1831, suddenly improved at the time of the removal of the deposits, and has continued down to this day to be rather more respectable than it had been for two years before that act. The city banks had,

	Circulation.	Specie.	Proportion.
In 1830	$2,171,417	910,390	About 2 and 1-4 to 1
1831	3,464,275	578,008	" 6 to 1
1832	3,060,129	596,381	" 5 and 1-6 to 1
1833	2,823,617	647,618	" 4 and 1-2 to 1
1834	2,934,451	876,332	" 3 and 1-3 to 1
1835	3,396,584	861,842	" 4 to 1
1836	4,260,948	1,155,853	" 3 and 2-3 to 1
1837	4,386,414	1,129,942	" 3 and 5-6 to 1

The circulation of the Boston banks, therefore, never rested on so slender a specie basis as in 1831, the year before the veto.

The country banks were not affected at all by the removal of the deposits; let us see how their proportion of specie compares with the city banks, which were influenced by that act.

From 1803 to 1824 inclusive, the first period in our bank returns, the circulation of the country banks averaged a little less than two dollars in paper for every dollar in specie in their vaults. The last year in the period, 1824, gives circulation, $2,046,041; specie, $820,014; which is in the proportion of two and a half to one.

From 1825 to 1830, the second period, the country banks had about six dollars of paper in circulation for one in specie in their vaults. The last year of the period, 1830, gives, circulation, $2,952,673; specie, $348,053; eight and a half to one.

In the third period, the country banks threw themselves entirely into the power of the Suffolk Bank, so that when the bank stopped payment they must stop also. It was not the veto, or the removal of the deposits, that caused them to do this. It was wholly a Massachusetts policy. The contrast between their former and their present state is very striking.

From 1803 to 1824 they averaged one dollar and ninety-two cents for every dollar of specie.

From 1825 to 1830, six dollars for one.

	Circulation.	Specie.	Proportion.
In 1831	$4,275,042	341,951	12 and 1-2 to 1
1832	4,062,727	305,823	13 to 1
1833	5,065,493	274,691	18 to 1
1834	4,715,695	283,963	17 to 1
1835	6,033,773	274,601	22 to 1
1836	6,631,301	299,377	22 and 1-6 to 1

To see how impossible it was that these banks should redeem their obligations, compare the aggregate of the circulation and deposits with their specie for two years before the suspension.

In 1835, the proportion was thirty-one to one. In 1836, the proportion was thirty-four to one.

Banks in such a situation must necessarily be stopped by the first commercial revulsion. If it be said, no commercial revulsion ever stopped them before the last, the answer is perfectly plain; never before were they found in such a situation. They knew so well that they could not pay, that they cried, No! before they were asked. How different was their conduct in 1814!

Last May the hundred and twenty-nine banks were like a row of bricks standing on end, near enough each to strike the next in its fall.

Knock down the Suffolk, and you knock down all the rest. Was this arrangement, tempting them to their destruction, an act of the general government?

Besides the veto, and the removal of the deposits, there is but one other act of the general government, which the authors of this report, or the majority of this house, would incline to put forward as having crippled the banks of their means, or tempted them to their destruction; and that last, as our whig orators style it, worst act, was the specie circular of July, 1836, which forbade the receipt of any thing but gold and silver at the land offices. This, it is said, withdrew specie from the Atlantic cities to pay for land in the west, and so crippled our banks. If any such effect happened in Massachusetts, the returns will show it in a diminution of specie, or of deposits, which were then specie funds. Both increased.

		Deposits.	Specie.
In May,	1835,	$10,921,700	1,136,444
September,	1836,	15,262,445	1,455,230

So vast an increase of deposits was never before known, and the increase of specie was nearly thirty per cent., carrying it higher than it had been since 1827. Neither deposits nor specie have since fallen so low as they were before the specie circular was issued. They stood, in September, 1837, deposits, $14,059,448; specie, $1,517,984.

The deposits being higher than they ever were, except in 1836, and the specie higher than it had been since 1824. In February, 1838, the specie was $1,701,460.

If, then, the legislation or action of the general government brought our banks into their present deplorable condition, it must have been by the influence of other acts than those complained of on this floor almost every day of this session.

If acts of the general government produced the changes in the condition of our banks, those acts must, of course, have preceded the changes. The date of the first important change in their condition was the year 1825; and it was on the 4th of March, 1825, that a whig administration began to be organized. Was the fact, that the whig party were in power, the cause that, while for twenty-two years previous to that 4th of March, the specie in our banks had averaged more than half the circulation, it has ever since averaged less than one fourth of their circulation? This would seem to be a much fairer inference than charging that deplorable change which occurred in 1831 to the account of the bank veto in 1832, or of the removal of the deposits in 1833, or of the specie circular in 1836; which are the three whig reasons for the derangement into which the banks fell in 1831, and from which they have not yet recovered.

But in candor and justice I must say, that I do not believe the election and administration of Mr. Adams produced the derangement of the Massachusetts banks in 1825, and the next five years. Its causes were partly foreign, partly domestic.

In England, that was the point, in the periodical fluctuation of business, for a great inflation, overaction, and speculation, with corresponding high prices. This tendency was heightened by certain operations at the Bank of England, and by peculiar circumstances in the state of trade, generally known, and therefore not necessary to be repeated here.

The prodigious overaction of 1825 raised the price of cotton, and American exports, as well as all other prices, in a ratio quite sufficient, independently of all other causes, to impart a fearful impulse to speculation here. This impulse exactly coincided with the periodical fluctuation in the United States, which, without the aid of foreign influence, tended to over-trading in 1825. It was heightened by the action of the United States Bank, and of all the lesser banks of other States, stimulated by the disturbing power of the great regulator, as it was falsely called.

The only act of the general government which had any important bearing to foment the mischiefs of the time, was not under Mr. Adams's, but Mr. Monroe's administration. It was the tariff of 1824. That act drove the manufacturing interests into sudden and premature overaction. It also impelled the merchants to over-trade by the credit it gave them for the enormous amount of duties payable on time, all of which, while their bonds were pending, became an available capital in their hands, the goods imported being, in the meantime, salable at high prices. By the promise of an immense and unprecedented influx of deposits as the duties should be paid, it urged the United States Bank, which needed the check-rein, and not the spur, to enlarge its discounts and circulation, thereby stimulating all other banks in the same career.

From all these causes ensued that unparalleled augmentation of trade, with distempered and preternatural energy in all its branches, which marked the crisis of 1825. Speculation raged, banks over-issued, currency depreciated, prices mounted with insane rapidity, each of these disorders reacting upon, and inflaming the violence of the other, so that the year 1825 will long be remembered in the annals of commerce, for the mad and reckless fury with which over-trading hurried to its height, and for the disastrous prostration and dismal ruin which resulted as the natural consequence and necessary penalty of such excesses.

That at such a time the banks of Massachusetts should have been driven from their propriety, is not to be wondered at, seeing State legislation had provided neither check nor safeguard, but left them exposed and fully susceptible to every malign influence. Nor is there any occasion to wonder that they have not since returned to their ancient, safe, and cautious mode of business. We have offered them no inducement to return. We have suffered over-banking to be more profitable to them than banking prudently. Acting on the known principles of human nature, our State legislation has encouraged them to plunge into all the abominations that have lately been developed; and we have always refused, and now refuse, to impose any, even the slightest restriction, on their downward tendencies. The second great change in the condition of our banks, which took place in 1831, was also, in some degree, brought about by the action of the general government. There were two acts which had an important influence on it, and I do not know of any other that deserves to be mentioned in connection with these two.

The first was the tariff of 1828; "the bill of abominations," as it was so justly styled. This tariff held out to the manufacturer the promise of a monopoly of the home market, which, though it could not prevent the failures of the factories in 1828 and 1829, finally overcame the stagnation of 1830, and engendered innumerable speculations in 1831. This tariff took, for the share of the government, about half the total value of the imports. The consequence was, as might have been expected, much capital employed in commerce was forcibly expelled from its former channels, some branches of trade being entirely ruined, so that, in 1830, the imports were reduced to about seventy millions. In 1831, trade recovered; and in that year, and the next, the imports averaged one hundred and two millions of dollars, — an advance of nearly 50 per cent. from 1830.

Of those tempted by the tariff to embark in the manufacturing speculations, many had little capital. These desired to be borrowers, and for that purpose got up banks, of which they became directors, and accommodated themselves with long loans. In this year, 1831, and among this class of adventurers, grew up the practice of a minority of the directors, and, finally, the president and cashier, transacting the business of the bank. Our State legislation applied no check to these abuses, but encouraged them, by granting the petitions of borrowers for acts of incorporation to bank at the cost and risk of the public. We now behold the results.

The other cause of the fatal expansion of 1831, to be found in the history of the general government, was the report of the house of representatives of the United States, by the committee of ways and means, through their chairman, Mr. McDuffie, on the 13th of April, 1830. This report contained a high-wrought eulogy upon the bank, and a labored and very able argument to show the expediency and necessity of continuing the institution in existence with all its privileges. The discussions which followed that report, and the favor with which it was received, both in congress and out of it, produced a general, and in New England an almost universal belief, that the bank would be rechartered.

This belief was not shaken by the president's message to congress, in December, 1830, for the sentiments of that congress were well known, and it was understood that the executive was upon this point in a minority, which the banking and speculating interest firmly believed would be still further reduced at the next election. No doubt of the recharter was entertained in Massachusetts, among the bank party, until after the message of the 6th of December, 1831; and even then the doubt was very slight, for the executive was still in a minority in congress, the speculators judged that either he would not veto, or, that if he did, which they rather hoped than feared, they were secure of defeating his reëlection, and seating in his place a candidate, who, owing office to the bank, would be bound to her interest. It was not until after the veto that her friends in Massachusetts became seriously alarmed, nor until after the presidential election that they began to apprehend that the bank must go down.

From June, 1830, to October, 1831, there prevailed, therefore, the most undoubting confidence among our banking interest, that the great bank would be rechartered. During this time our bank capital increased in as rapid a ratio as it has done since; its inflation and insecurity, in every particular of its condition, increased with vastly more alarming rapidity. Weigh well the proof, for this fact brands as the basest falsehood the assertion so many millions of times repeated, generally by those who do not know it to be false, that the veto was the cause of an unprecedented increase of bank capital, and of the inflation and insecurity of our banks.

From 1824 to 1829, our bank capital increased from $12,857,350 to $20,420,000, which is 58 per cent. in five years of whig legislation.

From 1832 to 1837, our bank capital increased from $24,520,200 to $38,280,000, which is 56 per cent., in five years after the veto.

In 1831, the increase was from $19,295,000 to $21,439,800, which is a fraction over 11 per cent. Had the annual increase during the five years after the veto been at the same ratio, it would have given an aggregate increase of about 70 per cent.

In 1832, the increase was from $21,439,800 to $24,520,200, which is about 14 and 1-3 per cent. If the annual increase for the five years after the veto had been at this rate, it would have given an aggregate increase of about 95 per cent., for a given annual increase of course accumulates like compound interest.

So far, therefore, was the veto from occasioning the increase of capital, that since that act the increase has slackened its pace every year except the year of the first alarm, when one would have thought the blow of "tremendous force and frightful consequences," might have stopped the increase of banking. But every year since the removal of the deposits the increase has been much less rapid.

In 1831, it was 11 per cent.; in 1832, 14 1-3 per cent. before the veto; in 1833, 15 per cent. before the removal; in 1834, 4 per cent. after the veto and removal; in 1835, 3 1-3 per cent. after the veto and removal; in 1836, 13 per cent. before the circular; in 1837, 11 per cent. after the circular.

Yet with these returns in their hands, gentlemen rise in this house every day, and gravely tell us that the sudden increase of bank capital in this State was the effect of the joint action of the bank veto, and of the removal of the deposits! An assertion just as opposite to truth as whig doctrines generally are.

But the inflation and insecurity of the banks are of more consequence to the public than the mere increase of capital; and this year, (1831,) when the United States Bank stood strong and confident, was the very year in which the banks were tempted towards their destruction, with downward progress unequalled before or since, so fast and so far that they have never recovered.

In 1831 the loans increased from $27,987,234 to $36,040,760, which is 28 and 2-3 per cent. The same rate of increase from 1832 to 1837, would have carried the loan to more than one hundred and thirty millions, instead of 58,411,182, as it was by last year's returns.

The deposits not on interest increased, in 1831, in almost exactly the same ratio that they did for the five years after the veto; but the deposits bearing interest increased in the ratio of 60 per cent., which annual rate, every year from 1832, would have carried them twelve times their actual amount in 1837. But instead of advancing at this rate, they have averaged, for the last three years, about the same sum as in 1832.

The circulation in 1831 increased 31 per cent.; this ratio every year to 1837, starting from the diminished circulation of August, 1832, would give nearly three times its actual amount.

The specie in 1831 fell from $1,258,444 to $919,959, 26 per cent. and a fraction. If it had fallen every year at the same rate, it would have been about $200,000 in 1837, instead of $1,517,984, the actual amount.

Had the circulation increased, and the specie diminished, as rapidly since the veto, as they did in 1831, the specie would have been to the paper as one to one hundred and thirty, instead of one to six and two-thirds in 1837.

This expansion of 1831, which whigs seem to forget, was not only stimulated by the tariff of 1828 and Mr. Duffie's report of 1830, but directly by the United States Bank. In that report we read, that "upon the soundest principles of banking, the very ample resources of the institution would justify the directors in granting accommodations to a much greater extent than they have yet done; and though they have increased the circulation of their paper from four and a half to fourteen millions, since January, 1823, they are ready and willing to increase it still further by discounting bills of exchange, and other business paper."

They soon begun this increase, and in 1831, enlarged their loans about twenty millions, — an advance of nearly 50 per cent. in a single year on their former amount. From October, 1830, to April, 1832, it expanded itself within a fraction of thirty millions, till its loans exceeded seventy millions, of course stimulating all other banks to overaction. There is no need to look further for causes of the sudden inflation of our banks the year previous to the veto.

There was another act of the general government which did much to bring about the suspension of specie payments; the distribution act of June 23d, 1836, forced upon the government by the manœuvres of the whigs, who hoped, with the plunder of the treasury, to buy votes at the fall elections. In this they were disappointed, but the distribution fully answered their expectations in another point of view: it deranged incurably the circulation and business of the country. In August, 1833, the public deposits in the United States Bank amounted to about seven millions and six hundred thousand dollars: in December, of the same year, they were diminished to about five millions one hundred thousand dollars. During part of the intermediate time the amount was increasing instead of diminishing. What was withheld was deposited in other banks in the same cities, where it was loaned on quite as liberal terms, to say the least. Yet every whig statesman in the country is pledged to the opinion, that this removal of less than two and a half millions, in more than four months, by an operation carefully conducted, from one side of the street to the other, was sufficient to convulse the whole commerce of the nation, to bankrupt tens of thousands, and to overwhelm in one common ruin the industry and enterprise of these United States. It will be recollected, that it was in August that the great bank began to contract, and in December that those terrible panic orations were fulminated from the capitol, to spread desolation through the land, if panic could break down credit, and if the annihilation of credit could be as disastrous as they proclaimed the gentle touch it had received had been already. If those gentlemen believed their repeated declarations, and if they were not idiots, they must have intended, when they voted for the distribution bill, to produce calamities tenfold greater than those they attributed to the removal of the deposits. The distribution bill removed eighteen millions of dollars from the United States treasury, in about three months, — not a half million in a month, and gradually, across the street, but nine millions in little more than one month, and nine millions more at once, on the first day of April, much of it to be carried thousands of miles from the points at which the necessities of business had collected and required it. Nine millions more were called for, on the 1st of July, and the same sum was to have been again abstracted from the channels of business on the 1st of October. If there was a man in congress who believed the tithe of the panic doctrines promulgated there four years ago, he must have anticipated with perfect certainty that this violent operation would effect the last great whig exploit, the suspension of specie payments. Those who denounced the removal of the deposits as fraught with ruin, and yet afterwards advocated the policy of distribution, should inform us whether they wish to be regarded as hypocritical in their professions in the first instance, or, in the latter case, dishonest in their conduct.

The suspension of specie payments having been naturally brought about by the paper money party, by their unprecedented over-banking and consequent speculation, having been precipitated by their favorite measure, the distribution, having been recommended by them long before it happened, justified by them ever since, and profitable to them while it lasts, is the appropriate consummation of the whig policy upon the subject of the currency. By a currency of irredeemable paper, the many are made to pay tribute to the few. The aristocracy, who in all countries desire to enrich themselves out of the taxes of the people, make it an engine of taxation.

In 1820, it seemed to the whig leader, "*to be the part of wisdom to found government on property.*" Now we are subjected to a much baser dominion, the aristocracy of false pretences to wealth, who levy contributions on both rich and poor, but chiefly from the laborer, and men of moderate property.

After all, it is mainly our own legislation that has subjected us to this paper aristocracy. It was our own legislature that doubled our bank capital in the seven years previous to 1829, and then doubled it again, in seven years after 1830; that neglected and still refuses to make any security for a specie basis, only substituting therefor the farce of dollars counted, and then carted away; that incorporated borrowers without capital, with swindling privileges; that permitted and still permits, self-elected directors to loan to themselves double their capital; that has, for six or seven years, suffered the president and cashier, illegally, and yet notoriously, to wield the whole power of a board of directors; that tempted them to their destruction by the post note abomination, and that now indulges them in the daily, open, and bold violation of their contracts, which they are able to perform, and acts upon the doctrine that it would tarnish the honor of the Commonwealth to provide checks for the prevention of fraud, and protection for the little pittance of the widow and the orphan. The general government did none of this.

It is in our own legislature that the doctrine is shamelessly avowed, that the representatives of the people are not to be trusted with the power to do right, lest they should abuse it to do wrong, and that therefore bank directors, living in perpetual defiance of the law, ought not to be prohibited from gross abuses, because it is safer to trust power with them than with the people. It is here that statesmanship, morality, and honor are thought to require that the lamb should be delivered over to the wolf for safe keeping, and that the shepherd should not be allowed to interfere, lest he might do the lamb a harm. This is Massachusetts legislation! This is whig legislation!

What, Sir! If it was the action of the general government that broke up your banks, and exposed their rottenness, it was no action from abroad that engendered the corruption. No, Sir; I see its fathers around me. They cannot deny the consanguinity, though they may well blush to own the soft impeachment.

If the action of the general government, the distribution, broke up the wrecks, it was because there was not a sound timber or fastening in them, else why do the New York banks ride safe at their moorings, all ready to set sail again, sea-worthy as ever, now that the storm is over? That much reviled safety fund, which no true whig failed to laugh to scorn, is in good order, and well conditioned, but there is no redemption here for Chelsea or for Commonwealth Bank bills.

New York, with a commerce which embraces the world, had greater engagements in proportion to her wealth than Boston. She had, in proportion to her business, less bank capital to divide the shock; having had more of the public deposits, they were suddenly withdrawn in larger masses; in one night, a conflagration had swept away twenty millions of dollars, annihilating three times the value of those deposits, which, called in on one side of the street to be loaned out on the other, by a gradual process of many months, created such an uproar, as if the earth had started from its orbit. New York is nearer Philadelphia, and has therefore more to fear from the convulsive struggles of the dying monster. Yet she is ready and eager to resume cash payments, and no one of her banks is yet known to be finally bankrupt in the present troubles.

While we had the advantage of New York in so many particulars of our situation, our leading banks are not yet ready to be honest; the bank influence of Massachusetts opposes a return to cash payments; and *nine* at least of our banks are, or must be broken up, while there is reason to believe that several more must follow.

If the action and advice of the general government had been detrimental to the security of banks, we should have seen the effect in democratic States, such as New York, New Hampshire, and Missouri, where their action was not opposed, and where their advice had some weight. There is no such exhibition of rottenness in those States. Whig Massachusetts, which for nine years has resisted that action, and spurned that advice, may now claim the undisputed preëminence in bank corruption. She has brought upon herself this ignominy. She sits in sackcloth and ashes, and mourns over these disgraceful calamities, not because the general government exercised too much influence over her banks, but because she chose to go with her whole strength in direct opposition to that wholesome influence. She still opposes that influence, and takes counsel of Nicholas Biddle, her worst enemy.

"It is impossible to conceal from ourselves, that we are at this moment on the brink of a dreadful precipice; the question is, whether we shall submit to be guided by the hand which hath driven us to it, or whether we shall follow the patriot voice which has not ceased to warn us of our dangers, and which would still declare the way to safety and to honor." Did the administration advise the rechartering of the United States Bank by Pennsylvania? Did the administration advise that the number of banks, the amount of bank capital, of loans, and of paper circulation, should be more than doubled, nay, almost trebled, within six years, through the whole United States, and that the banks of Massachusetts should double their liability to disaster in the single year 1831? Did the administration urge the banks to issue more notes than they could redeem; the merchants to import more than they could pay for; and to supply the retailers with more goods than they could dispose of? Did it instigate thousands of young men to abandon the cultivation of the soil, and throng to the great cities to embark in the lottery of trade? Did it run up the prices of articles of commerce? Did it encourage speculators to invest immense amounts in fancy stocks, in products, house lots, and public lands? Did it recommend the distribution bill, to withdraw, in four payments, near forty millions from the channels of commerce? These are the causes of our distress, and against these it has never failed to remonstrate; it has not ceased to warn us of our dangers. The bank party have driven us towards the precipice, over which they would now compel us to plunge. The administration has labored faithfully to avert impending evils. The bank veto was intended to put an end to that great disturbing power over the currency, which has made its successive expansions and contractions so sudden and terrible. The removal of the deposits paralyzed the destructive energy with which the bank was then waging war on credit and industry, and prepared the community for the redemption of its notes and the collection of its debts by that institution, if it had been disposed to acquiesce in the decision of the nation. The specie circular checked the frauds, speculations, and monopolies, in the public lands; checked the excessive bank credits in the West; checked also the overbanking and overtrading of the Atlantic cities, from which it retained specie; secured the safety of the treasury receipts; strengthened the western banks, and thereby lessened the losses of the merchants on the seaboard by their inland debtors; and by retarding the exportation of gold and silver to England, made the resumption of specie payments possible, whenever the honest indignation of the people shall compel the banks to the performance of their promises. The suppression of small bills, so repeatedly and urgently recommended by the administration, and adopted in several of the democratic States, strongly tends to discourage the ruinous extension of bank issues and bank credits. Mr. Huskisson, in his speech of February 10, 1826, said, "it was his opinion, an opinion not hastily formed, but the result of long and anxious observation, that a permanent state of cash payments, and a circulation of one and two pound notes, could not coexist." Our late experience has abundantly confirmed Mr. Huskisson's opinion. If we had no bank notes under fifty dollars, the late stoppage of specie payments would never have taken place. The collection of the government dues in specie is not only necessary to enable the government to go on, but is the only course which could prevent the sudden withdrawal of protection from our manufactures, to an amount greater than that which the whigs of the Massachusetts legislature resolved would be "*the death-warrant of the manufacturing establishments of New England.*" It is the only course which could prevent great inequality in the duties levied at different ports, and the consequent transfer of business to those points where the currency had depreciated most to the ruin of our own merchants. It is the only course which could keep specie in the country, so as to give us a chance of the return of a sound currency without running through the miseries of assignats and continental paper. The government would not usurp the arbitrary power to dispense with the laws and violate the Constitution, for the sake of thus ruining our merchants, signing the death-warrant of our manufacturing establishments, and fastening upon us the curse of irredeemable paper, though our merchants and manufacturers should be louder and more clamorous than they have been, in imploring to be ruined, for the benefit of the distress, panic, and ruin party, and the glory of Nicholas Biddle.

Why charge the national government with your own sins? Who has fastened the system upon us? Clearly those who profit by it, the aristocratic, or whig party, so called because they somewhat resemble the party in Great Britain, thus described in the Edinburgh Review: "*the strength of the whigs lay in the great aristocracy, in the corporations, and in the trading or moneyed interests.*" Look at their course in Massachusetts. In the spring session of 1835, there were many petitions for new banks. Some few whig presidents and cashiers of banks opposed petitions asking for a share in their monopoly; but the *majority* of the whig party voted to grant them. The whole democratic party opposed them, as did many nominal whigs, with democratic consciences, from among the yeomanry, and they were defeated. All the support they received came from whigs; the most ardent opposition they encountered was from democrats. If one fourth part of the democrats in the legislature had supported them, they would all have passed, and a numerous litter of banks would that year have cursed the State.

In the fall session of the same year, an order discharging the committee on banks, and most other committees, and confining the action of the house to the Revised Statutes, was reported by a democrat, most violently and repeatedly assailed by prominent whigs, sustained by the reporter, and the whole democratic party, in *five* distinct and most animated debates, and with the aid of votes from the semi-whig farmers, carried and adhered to. Had that order been rescinded, the door would have been opened for all the bank petitions of the former session.

In 1836, petitions came in asking, in the aggregate, for an increase of the bank capital of the State from thirty millions to fifty-six millions, and the bank capital of Boston and its immediate vicinity from eighteen millions to double that amount. The whig leaders, the Suffolk delegation, and a large majority of the whig members, went for the petitions. The democrats went in mass against them. The semi-whig farmers discriminated and passed bills for about ten millions, rejecting the petitions for the other sixteen millions.

Of all the rejected petitions the most formidable was that for the ten million bank. The whole aristocracy of the city and country enlisted to carry it through. They commanded the unanimous vote of the representatives from Suffolk county, and all the thorough going whig partisans. The debate lasted in the house, with intervals, for weeks. It opened the eyes of several to the true state of affairs; it enlarged their ideas; it removed prejudices; it harmonized opinions. At its conclusion the house, by an independent, noble, spirited, and unexpected majority, in the teeth of all the old mercenary Swiss of State, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of party hacks and willing instruments, rejected the bill.

That majority looked in the face one of the ablest, and not the most scrupulous, combinations ever formed in this State, and which embodied the whole power of wealth. Every sort of intrigue, artifice, and negotiation were carrying on. Persuasion and argument, conviviality and intimidation, were exhausted. Every thing on every side was full of traps and mines. It was in the midst of this chaos of plots and counterplots; it was in the midst of this complicated warfare against public opposition and private treachery, that the firmness of the democratic party was put to the proof. They never stirred from their ground; no, not an inch. They remained fixed and determined in principle, in measure, and in conduct. They practised no managements. They secured no retreat.

If one of our majority had gone over to the enemy, we should have been defeated. It was a time for a *man* to act in. We had powerful enemies; but we had faithful and determined friends, and a glorious cause. We had a great battle to fight; but we had the means of fighting; our arms were not tied behind us. We did fight that day, and conquered.

From that victory the democracy of Massachusetts received new life and vigor. They went into the legislature of 1837, recruited in numbers, and with renovated strength. Again bank petitions swarmed as before. Again the whole weight of whig influence was thrown into their scale. Again a large majority of whigs went for the petitions, but a few nominal whigs had the independence to vote with the democratic party, and again the petitions were rejected.

Do not these facts show who it is that is responsible for the increase of bank capital in Massachusetts? Not a dollar of it has been chartered for these three years, except by the vote of the whig party. Not a dollar has been chartered, except in defiance of the cogent arguments, the earnest entreaties, the vehement remonstrances, and constant votes of the democratic members of this house. You sat there, Sir, and heard them, and you know that I speak the words of truth and soberness.

Sir, the democratic party need not have voted for a single bank; if they had absented themselves, and declined to vote against them, the bank capital of the State would have been increased more than twenty millions beyond what it has been in the last three years.

Sir, if this increase and inflation be a mischief, I may say to the city of Boston, You did it. I may say to every member of the Boston delegation for 1836, Thou art the man; — had the Boston delegation voted unanimously with the democrats, not a dollar could have been added to the bank capital since 1834. In that case, how many of the ruinous speculations of 1835 and 1836 would have been prevented; how many families would have been enjoying a competence that are now prostrated and overwhelmed! If the democrats had voted with the Boston delegation, or had not voted at all, the bank capital last year would have exceeded sixty millions, and no one can estimate the wide spread destruction of its fall. Boston, therefore, owes to herself her misery; and she may thank the democratic representatives in the last three legislatures, that she has not been crushed, instead of pressed; broken to the level of universal bankruptcy, instead of sorely embarrassed.

Sir, I wash my hands of all these banking iniquities. I never voted to increase the bank capital of the State a single dollar. I have always voted for every measure which would have made our banking more secure. Early in 1835, I moved for returns of the loans to bank directors, with a view to put some check upon a practice which I then saw must lead to disastrous consequences. You will find the order in your printed documents. It was scoffed at on 'change, and, therefore, voted down by the whig majority in the house. Had my views upon that point been adopted, the State would have been spared the mortification of the recent developments; we should have had no bank failures in Massachusetts.

In 1835, I exhorted the house, for more than three hours, not to increase the banking capital. I described the very state of things that has ensued, and demonstrated that such must be the termination of our career of over-banking. I showed that it was mathematically certain, as certain as the motion of the planets in their revolutions, that our course must lead to an explosion. The majority of that house grinned their incredulity, and though I showed them that our legislation must produce a suspension of specie payments as necessarily as gravitation compels water to run down hill, they no more expected the event, than that the fixed stars would fall.

In 1836, I opposed the increase of banking capital with the same zeal, and on the same grounds. I addressed the house four times upon the subject, occupying in the aggregate more than nine hours. I described with great minuteness the nature of the revulsion which was to come, — "the impending calamity," "the imminent crash," as I then called it. I hold in my hand a printed copy of that description, dated March 22d, 1836, and if gentlemen will look it over they will see that it is accurate to the letter, as much so as if it had been dated yesterday. I undertook to fix the time at which the crisis would arrive; I fixed it at three years from the panic pressure which began in September, 1833, and ended in June, 1834. Not a single member of the Boston delegation but regarded this prediction as chimerical. I ask those gentlemen to look back at the period between September, 1836, and June, 1837, and say who was right and who wrong in their anticipations. Did not "the terrible crisis," "the impending calamity," "the imminent crash," visit you before June? Indeed, early in May it fell upon you. Yet when I told you of its near approach, and named the very time when it would fall upon you, you met the warning only with a sneer. My reply to that sneer, I will read from the printed copy, and I see by the countenances of some gentlemen around me, that they recollect very well when it was originally delivered.

"The general law of fluctuations seems to be well ascertained and established. It occupies periods of about three years each, rising and falling within that space, with as much regularity as the billows of the ocean, and from causes as infallible in their operation. I have enumerated six of these fluctuations; nobody denies that we have passed through them, through every one of them; yet, Sir, men are found to deny that the seventh will ever come. Proudly arrogating to themselves the title of practical men, they sneer at this statement of facts, and call it theory. Confident in their own instinctive sagacity, they decline to render a reason for their opinions, delivered with dogmatical authority, but would have it quite sufficient that they, practical men, guess that it will be so. And if, Sir, I should show these gentlemen, as I might do so easily, how regularly and infallibly they have been mistaken in all their conjectures for the last twenty years, and that the surest guaranty of any event has been, during all that time, their prediction that it would not happen, this would not for a moment shake their confidence in that judgment which rests on no foundation, in those conjectures that oppose themselves to all experience. O no! Being practical men, they have a right to sneer at all observation and its results. Because they are matter-of-fact men, they scorn to look at facts before their eyes, lest they should be led to draw an inference, — an operation unbecoming matter-of-fact men. Shakspeare considered it the prerogative of man to look before and after, but these gentlemen, in their hatred of all theory, will neither regard the experience of the past, nor heed the plainest indications of the future. They see that the pendulum, which has vibrated so long, is raised above its resting-place, but they deny that it will ever swing back again. They have marked the rise and fall of the tides, and they believe the tradition of their uniform ebb and flow from time immemorial, yet they say because it is rising now it will never fall again. They stand on the shore and count the waves as they break in perpetual succession; and as each rolls back discomfited, they exclaim, their motion has ceased; another will never come."

While predicting this "imminent crash," I declared it would be the result of overtrading stimulated by over-banking, and that those who were then stimulating the excessive overaction, must hold themselves answerable for the consequences. I then said: —

"Allow me, Sir, to recapitulate the signs of overaction in our business, and see whether there is room to doubt the fact. Setting out from the year 1830 as a point of depression, — for the last pressure was not severe enough or long enough to afford a starting point, — we find that the value of our cotton crop has more than doubled, and yet we are exporting specie. Our imports have more than doubled, yet the prices of imports are higher from twenty to more than fifty per cent., though we have been relieved from the payment on them of eighty-five millions of dollars in duties. Manufactured goods have also risen, in spite of the great increase of the business, and the diminished protection, to say nothing of improved machinery and maturer skill. Agricultural products have risen, some fifty, some a hundred per cent., and we buy bread cheaper abroad than at home. Corporations, for various speculations, have been increased to five times, or perhaps ten times, their aggregate amount five years ago. The public lands are selling with ten times the rapidity with which they had sold at any time for ten years previous to 1830. Speculations in other lands have been scarcely less excessive.

"We look for the immediate stimulus of all this amazing overaction, and we find it in the diseased state of the currency and in over-banking. The specie in the country having been doubled since 1830, the banking capital has been more than doubled, bank facilities have been more than doubled, the bank note circulation has been more than doubled, and the whole currency has been more than doubled.

"Population may have increased eighteen per cent. in the meantime, but if wealth had increased twice as fast, say thirty-six per cent., this would afford no justification for such an immense expansion.

"A community drunk with this factitious prosperity, calls aloud for more stimulus, as naturally as a man exhilarated with brandy demands another glass. We are suffering under a scarcity of money, cry 1,736 petitioners, just as the man intoxicated to insanity will swear he practices total abstinence. The check just now experienced is a wholesome preventive. Let it have its perfect work, and it may save us from a terrible catastrophe. But if we give way to the entreaties of the patient, and feed his fever with superadded excitement, we shall be answerable to our country, to our consciences, and before God, for the melancholy consequences that must ensue from such mad and wicked folly."

The melancholy consequences of that mad and wicked folly are before us, and around us. Are they to be imputed to those who sought in vain to avert them; who in defiance of ridicule and reproach, persisted faithfully in forewarning you of the evil to come, though they spoke unhappily to deaf ears?

Sir, if you had only provided, in 1835, the safeguards which I then proposed, and cured the defects which I then pointed out, especially the want of a specie basis, none of the late calamities would have befallen us. Can I be mistaken, then, when I affirm that these calamities are not to be attributed to the democratic party, but to the whigs, who fostered the causes which originated them? When, in 1835, you strained every nerve to heighten and promote the speculating mania of the times, by lavishing special privileges, and especially exemption from personal liability, on corporations of every conceivable description, were you supporting the national administration? Was it their influence, or their acts, that tempted you to that course? When I assailed that whole vile system, fraught with fatal tendencies, whose effects I then portrayed as you now witness them, in the three weeks' hot debate on the malleable iron companies, and the India rubber companies, was I opposing the principles of the administration? And were the fifteen gentlemen from Boston, and the seven from the country who replied to my speech on the Malleable Iron Company, twenty-two good democrats, sustaining Andrew Jackson? You told a very different story at the time, Sir. I called that class of corporations, bubbles; time has shown that I was right. Little did I think that the parentage of the banks created to inflate such bubbles, would be charged upon the national administration. This accusation is the acme of whig impudence.

No stain was ever cast upon our banks until government tempted them! Did government tempt the Kilby, and Oriental, and American, and Chelsea? Had the Commercial ever any deposits belonging to government, except the figure-head? But the stain was the suspension, and they did not suspend in the last war. Why not? Because they had something to pay. And among all the ingenious theories to account for the non-payment of specie last May, one has been strangely overlooked. My theory is that it was because they had not the specie to pay.

The old suspension lasted from August, 1814, to February, 1817, two years and a half. In January, 1817, the United States Bank went into operation; in a year and a half it had produced a tremendous inflation and overaction, and soon after it regulated the western banks, just as one might regulate a powder magazine by hurling into it a burning firebrand; it blew them all up.

Our banks did not stop. They went through it all. Let us see, then, how they were prepared to stand the war, and the suspension, and what was worse than war or suspension, the regulation:—

Years,	1812.	1813.	1814.
Circulation,	$2,162,358	$2,186,837	$2,922,611
Specie,	3,681,696	5,780,798	6,946,542

So much for the war; now for the southern and western suspension:—

Years,	1815.	1816.
Circulation,	$2,740,511	$2,134,690
Specie,	3,464,241	1,260,210

Now for the regulation:—

Years,	1817.	1818.	1819.
Circulation,	$2,495,260	$2,680,477	$2,464,057
Specie,	1,577,453	1,129,598	1,198,889

The bank seemed to abdicate her power to regulate, for two years after the collapse of 1819. She resumed it in time to stimulate our inflation in 1825, which changed the character of our banking. For two years at least, the banks did not feel the rod of the mighty mother, who had enough to do to keep herself alive. Let us see how they worked without her control. In 1822, Mr. Cheves got her in order, and she made herself felt again.

Years,	1820.	1821.	1822.
Circulation,	$2,614,734	$3,010,762	$3,132,552
Specie,	1,280,852	3,048,829	946,266

During the war the specie exceeded the circulation, and at the time of the suspension south and west, the excess was *four millions of dollars*. This was the reason our banks did not suspend. In 1836, their circulation was nine and a half millions more than their specie, a very different state of affairs, which might have been worse, however, if the policy of the government had not been favoring the introduction of specie, so that there was then eight millions and is now nearly ninety millions in the country, instead of less than a third of that sum, as there had been a few years before.

During the southern and western suspension, the specie of our banks was diminished in two years, five millions and seven hundred thousand dollars, about four times its whole amount in 1836; but they still had enough left to hold on by. While the regulator was in powerful action, in 1817, 1818, and 1819, they were kept very low, but while the regulator was paralyzed in 1820 and 1821, they recovered again, but as soon as the regulator was repaired and wound up, in 1822, they dropped again into a weakly condition, and finally in 1825, and 1831, the periods of the regulator's greatest power, they underwent two great organic changes, each of which left them, as a practical system, something very different from what they had been before.

I have shown that the derangement of the currency and exchanges is not to be attributed to the well-meant, and well-directed efforts of the general government to counteract the gambling propensities of the times. Nor is the explosion of our Massachusetts system of banking to be laid to the charge of a democratic administration. The causes of the catastrophe were partly in acts of the general government long previous to the bank veto, but much more in our own bad legislation, and in the disturbing effect of the great regulator, falsely so called. The charges of this report are, therefore, wholly groundless. Before a strict examination, they vanish like the baseless fabric of a vision, leaving not a wreck behind.

SUSPENSION OF SPECIE PAYMENTS.*

For a bank to decline to pay its notes, merely because it is more convenient not to pay them, is a more high-handed and impudent fraud, than for an individual to do the same thing. The man may be tempted by extreme want, by the fear of the total sacrifice he must make to fulfil all his obligations, and the dreaded misery of his wife and children. Bank directors are merely agents for stockholders, and in this case cannot plead even the orders of their stockholders to be dishonest.

Oh! cry the bank directors with one voice, it is more convenient for us not to pay our debts. With this wretched plea, they set at defiance the law of the land, the power of public opinion, and the universally admitted principles of the most ordinary morality. It would be inconvenient, forsooth, for them to pay their debts; they must contract their business to do it, and this would be very distressing.

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* Extract from the Gloucester Democrat, July 25, 1837.

Suppose a debtor, having a note falling due at a bank, adopt the bank morality. He calls upon the president and directors, and informs them that it is more convenient not to pay his note. "I have," says he, "a great many such notes coming due about this time, and if I should pay them all, I should be obliged to reduce my business very much. Nobody else can supply my customers so well as I can, so that it would be very distressing to them if I should stop selling. The wholesale dealers who supply me say that it would be very distressing to them if I should stop buying. So, from the most disinterested regard for the public good, I have determined never to pay a single note to a bank until it is *more convenient for me to pay than to keep the money.* With the funds I shall save by this operation I shall do a large business, highly beneficial to the public, who can never too highly applaud this judicious and virtuous decision, and the firmness with which I shall adhere to it in spite of the prejudices of the ignorant. I beg, gentlemen, that you will not be alarmed on account of my solvency. I have property enough in my hands to pay my debts twice over. My notes are perfectly good, therefore, although I never mean to pay them. I am sure, gentlemen, you have nothing to complain of; you have my notes in your hands, which are as good as specie. I consider them so myself, and hope you will feel no foolish scruples about it; for nothing is wanting to make them better than specie, but that mutual confidence which should always exist, at such a crisis as this, between those who depend on each other, as you and I do. We now understand each other. I know that you never mean to pay your notes, and you know that I never mean to pay mine."

Would not the directors pronounce this man to be a swindler? But if so, then how do they justify their own conduct?

CHAPTER VIII.

HIS OPINIONS ON COMMERCE AND TRADE, BOTH FOREIGN AND DOMESTIC, ALWAYS DEMANDED FOR THOSE INTERESTS THE LARGEST FREEDOM.

WITHOUT adverting again to his earnest support of the principles of free trade, in the intellectual contests of his early youth, it is but just to remark, that in 1827, 1828, 1829, that is, in his 22d, 23d, and 24th year, he wrote many articles, of which a considerable number were published in the Salem Gazette, in illustration and defence of principles he deemed so important. These essays, evincing an extent of information, and a maturity of intellect, unlooked for in one so young, were ascribed to Mr. Pickering, in whose office Mr. Rantoul was then a student of law. They were, it is believed, the earliest of his political writings that were given to the press. To republish them here seems unnecessary, as the principles they involved were more perfectly developed and sustained in his subsequent works. They prove, at least, that the principles which his early studies justified to his understanding, grew with his growth, and strengthened with his strength. It is believed that no man in the Union has been a more earnest, consistent, and able advocate of free trade. His knowledge of the great economical principles which constitute the basis of all just laws relative to the industrial pursuits of the world, was gathered from every source of information, and was accurate and profound. More than one Secretary of the U. S. Treasury has been indebted, largely and directly to Robert Rantoul, Jr., for statistical information of the first importance, and which was the systematized result of his wide research and indefatigable labor.

He was always ready to meet the ablest champions of the restrictive system, and answer their arguments, overthrow their positions, expose the sophistry and clumsy reasoning of their attempts to sustain, either the justice or policy, of a high rate of duties on imports. He has, again and again, proved by irrefragable statistical facts, the inherent and essential injustice of this mode of taxation; its burdens falling, practically, the heaviest, upon those classes of the public the least able to bear them, and tending in results, like the modern manufacture of paper money, to enrich a few at the expense of "the many." This advocacy of freedom of trade sprung from broad and generous principles. As he held that the best interests of humanity are advanced by increasing the facilities of intercourse between communities and nations, and that, as subservient to this end, it is the glory of modern science and skill to surmount mountain barriers, and annul ocean distances, so he believed that governmental restrictions on commerce and trade, would have to yield to the force of truth, and the progressive knowledge and civilization of mankind. The same great principles which impelled him, against the remonstrance of his party, to advocate granting State aid to the Western Railroad, made him an inflexible and faithful supporter of free trade through the whole of his political life.

But his own words best illustrate and sustain his principles. It happens, however, that upon this great theme, which had for years engaged him in the most laborious and profound investigations, and in relation to which his knowledge was, beyond all question, as various and accurate as ever was attained by an American statesman, he has left fewer speeches and writings than upon some topics of vastly inferior interest to himself and the public. This fact his friends will never cease to regret. They will account for it, however, not on the ground of the paucity of ideas, the want of matter, with which to employ the press, and enlighten public opinion, but on the very opposite, and the real ground of this scarcity of his printed speeches upon free trade, namely, his perfect familiarity with every historical detail, every statistical fact, and every philosophical opinion bearing upon the subject. It was this very fulness and completeness of knowledge, and his marvellous readiness to command, on the spur of any occasion, his immense resources, that prevented his writing out his numerous speeches on this subject,—speeches which, while the hearers of them live, will be remembered as some of the most instructive, logical, and eloquent, ever listened to by popular assemblies. Those speeches were not only full of sound reasoning, glowing thought, and varied information, but were also of great length and thorough elaboration. This was true of one which he delivered in Fanueil Hall, on the evening of the 29th October, 1844. On this occasion he continued a strain.of rapid, logical, and convincing oratory for nearly four hours.

The hall was crowded to its utmost capacity. He took for his text the free trade resolutions passed in the same place in 1820, through the influence of Daniel Webster, William Appleton, Abbot Lawrence, and other distinguished whig leaders, then professing to be satisfied with a tariff for revenue with incidental protection; now dissatisfied with a tariff three times as high, and denouncing the democracy as demagogues, and as setting the poor against the rich, for advocating the former. "We now," said he, "see Daniel Webster going wrong by the light he then kindled in Fanueil Hall." Mr. Rantoul commented with severe and well deserved sarcasm on the rapid and extreme changes of opinion, through which Mr. Clay had passed in a few preceding months, and Mr. Webster's inability in 1844, to answer his own arguments of 1820. Mr. Rantoul exposed the fallacies in the then recent report by Mr. Hudson, of the U. S. House of Representatives, and the sophistries which ran through it. Mr. Rantoul went into a masterly review of the occupations of different classes of the people of the United States, and showed that only about one fortieth are engaged in producing articles protected by the tariff. By analyzing the provisions of the tariff of 1842, he gave positive proof, from mathematical demonstration, that the revenue is raised, almost exclusively, on articles consumed by the working people. On this point he was very able and elaborate. This speech, so full of unanswerable argument and true eloquence, if ever published entire, has eluded the pursuit of the editor.

SPEECH AT SALEM.*

The familiar faces which I see around me, persuade me that we have come back again to the old times; that the power of the democratic party, which some have fondly hoped was gone, is in fact as fresh, as lively, and likely to be as effective as in any of those old contests when we all stood shoulder to shoulder, and when every conflict showed an accession of strength. We have come together to-night to take our part in that grand consultation which is now going on among the free people of the whole North American Union, a consultation upon one of the most important temporal concerns that man can advise upon the government of a great nation. We are proposing to take our part in deciding, not merely to whom that government shall be committed, but what shall be the nature of that government; upon what principles, for what measures, with what views and end it shall be conducted. I know nothing upon the face of this globe, of a mere temporal nature, that deserves to be so carefully pondered upon, so judiciously settled, and so energetically carried out, as the political views which a man entertains.

Now, my friends, we have all of us lived long enough to see the operations of two great political systems which have been contrasted with each other in this country. One system has been tried; and tried long enough, one would think, to decide whether it be or not the true system on which the government of this country should be conducted; I mean that system of which the greatest political philosopher of this age, I refer to De Tocqueville, but a few weeks since, speaks of in the National Assembly of France, when he refers to democracy; and points to that great nation, "where alone it had been freely and fully exhibited, and where it had wrought out its natural results, the United States of America." When the eyes of the old world are turned to us, they are turned here for an answer to the great question, whether man is, or is not, capable of self-government; they look to us and say, the experiment we are trying is the experiment of democracy. They know our government has been a democratic government, carried on upon democratic principles, and they overlook all smaller, minor matters of detail, and look to the grand results, and say, — if democracy be founded in truth, if man be capable of self-government, then we shall expect to see the North American experiment successful; and if he be not, if democracy be false, if man is forever doomed to be governed by those in whose selection he has no voice or choice, we shall expect to see the North American experiment fail. They look to us for a decision of the question; not for us only, but for the world; for all mankind, and for all time.

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* Delivered October 6, 1848.

Now I say, and I ask any man that can do so to gainsay it, I say, that we have decided the question. I say that the onward march of our republic in greatness, glory, and prosperity, in improvement of every sort, is of itself a decisive answer to the question, what is the best form of government, and what the best principles for a government? We have answered, "democracy." This is a nation that has doubled itself every quarter of a century since it came into existence. It is a nation that has grown wealthier, stronger, and more intelligent, and has improved its moral and social position in every respect. It has done this while other nations have been, some stationary, and some retrograding; it has done it because of and by means of its peculiar form of government, and its peculiar principles; and they are democratic principles.

Now, Mr. President, the government of the United States, having been governed upon democratic principles by the democratic party, in spite of the opposition, and in defiance of the continual and unremitted remonstrance of the party out of power, and this having been the case for almost the whole period of about sixty years since our government was established, — I say that he who proposes to change this straightforward course of policy, takes upon himself the burden of proof. That is a position in which no sound lawyer, no man of common sense would dare to differ from me. Let him who proposes to alter our policy, tell us why. We "let well enough alone." When we have seen that our form of government is successful, and that our principles are successful, if any man comes to us and says, "this is all wrong," we ask why, and how it is wrong? To what useful purpose do you call upon us to change? If the government has managed badly, if it be what some have called it, "the worst government upon the face of God's earth," then let us change it; aye, but if that be true, it is a radical and an essential change which is to be gone through. We should fly back to the monarchy of the Old World, if, indeed, democracy be the worst form of government upon the face of God's earth. But we are told that our government has "degenerated;" that we have seen our Constitution desecrated by transforming it "into a Greek democracy; the most unstable and corrupt term of government God ever suffered to exist one hundred years in this world;" and this, because it is democratic! This is a statement of fact, and it is to be tried by appeal to the evidence.

What, then, are the measures, and what is the course of policy which our government has thus far pursued, successfully and in a career of unparalleled prosperity? And what principles would they substitute? What is it that is wrong; what is it that is complained of? The burden of the proof in this case is upon the plaintiff; upon him who brings the complaint. And what does he complain of? You are told that "the labor of America should have the market of America." You are told that the labor of the country deserves and should have "protection." You are told that there is such a thing as an "American system," and that that system should be followed out, in order to protect American interests. Very well, all these are fine-sounding phrases, and I could give such a meaning to each one of these phrases, that I should give it my cordial assent. It is not the words to which I object, it is the idea cloaked under these words, and which is not the natural meaning of the expressions. That labor should have the market of America, — my creed goes further than that; I say that American labor should not be confined and restricted to the market of America. The man who talks of giving and securing to American labor the market of America generally means something which he does not say; and it is the separation of the American market from the foreign market; it is the adoption of a system of restriction which ties down American labor, instead of extending its sphere.

How is this? Let us examine into it a little. Suppose restrictions to be set up between the commerce of two great nations. The effect is just the same as that of restrictions set up against the free exchange of products between individuals. Suppose John, having a small farm, cannot raise provisions enough conveniently, to feed his family; and he is obliged to pinch the members of his family in their food; to make them work very hard, with scanty supplies. On the other hand, Jonathan has a large farm, and is able to raise food very well, but cannot manufacture cloth so cheap as John. Suppose John raises a thousand bushels of wheat, and can make a thousand yards of cloth; suppose that Jonathan might do the same. We will then suppose that John, taking off some of the labor from his farm, which is too small to raise a crop sufficient to support them in affluence, should go to work and make three thousand yards of cloth; and suppose that Jonathan taking off the labor from his manufacture, should raise three thousand bushels of wheat; and that then they should exchange. The consequence would be, that each one would get more wheat and more cloth than if he had spent half his labor upon one, and half upon the other. By allowing each party to do that which he can do best and cheapest, the general product is greater. If this is true of two men, it is true of two thousand men. It is true of two nations; and there ends the whole question of free trade.

Why has Providence made different climes and different soils, excepting that we should take advantage of this diversity. In one climate, bread is raised more cheaply; let them raise it. In another cotton grows to better advantage; let them raise it. In that way all the children of the earth, all the members of God's family, are producing that which will add most to our mutual means of comfort and happiness. Is not that sound doctrine? Why, it is a most despicable and contemptible doctrine, that says, every thing that benefits my neighbor injures me, and every thing that injures my neighbor benefits me; and yet that doctrine would seem to be at the bottom of the political economy of a great party of this nation. Do you want to send bread cheaper to England than she can raise it? "Oh, that benefits the English." Do you want to buy your cloth cheaper than you can make it yourself? "That benefits the English." But if, at the same time, it benefits us, if both parties are benefited, let us first rejoice in our own benefit, and then let us rejoice in the benefit conferred upon our brethren upon the other side of the Atlantic.

You all remember who it was that defined the term "neighbor." "Who is my neighbor?" they asked; and it was the Samaritan who was the neighbor of the Jew, a man of a different religion, of a different nation, of a nation against which the Jews had strong, deep-rooted, and hereditary antipathies. They had been brought up to hate each other; just as the English and French were a few years ago, when Lord Nelson taught the midshipmen that it was their duty to "fear God, honor the king, and hate the Frenchmen as you do the devil." That is good sound whig doctrine, that a man should confine his affections to the people of his own nation. But the American policy, the policy of American patriotism looks first to American objects, and if in securing these objects, good is reflected abroad, so much the better. I hold to no narrow bigoted definition of patriotism which would make me lament that while I am buying goods cheaper abroad, I am paying for them the corn and flour and pork of Ohio, Indiana, or Illinois, which keeps millions upon millions of poor Irishmen out of the grave.

All this notion which is attempted to be made popular by giving it a fine-sounding name, and calling it "protection," but which ought to be called "restriction," has been tried out and out by the British government. They have "protected" their labor by high duties, against being overwhelmed by cheap goods, which our whig friends tell us are terrible things. If they bring them to my house, I thank them for it, for I like cheap goods better than dear goods. The aristocracy of Great Britain, who invented this doctrine which our aristocracy have copied, (because the British aristocracy have made the people for many years believe that they really were protected by the system of restriction, by shutting out the cheap products of other nations, cheap bread as well as other things,) have "protected" them until they have "protected" them to the very brink of starvation, and to the very grave. They have protected their labor, by compelling them to labor very hard for a very small amount. That is the way, and it is the only way the system of restriction ever protected any man.

Now, what is the tariff, against which our whig friends are talking again? I say "again," because a little while ago it seemed that that issue was abandoned. The whig party boast that it is the same to-day that it always was; that it has undergone no change. In August, 1834, there was an assembly in this very city of Salem, constituted of the whole force of the whig party. They came from other quarters as well as this city; and in various ways, by speeches, resolutions, and songs, they manifested the principles of the whig party at that moment. I say, "at that moment," because sometimes the whig party makes very sudden changes. Then, on that day of August, 1834, the predominant idea was expressed in these words: "fill up your bumpers, then; drink to those noblemen, Clay, Calhoun, Preston, Poindexter, the friends of good order." That was the chorus of one of the good whig songs, sung by the whole whig audience on that occasion.

Now, I ask you for a moment to see what could have been the designs of the whig party at that precise period of time, in August, 1834. Do they then profess to go for the "American system," a high "protective tariff?" Clay had just plunged a dagger into the heart of the American system. He had just carried through Congress his horizontal tariff bill, cutting down all duties to 20 per cent. The high tariff then was not that which caused their grateful recollections of Henry Clay. Preston was one of the men, in their flowing cups, gratefully remembered, and Preston had just before said, "South Carolina will be laid waste with blood and fire before she will submit to that accursed bill," meaning the tariff bill. "The corps of many a traitor shall blacken unburied upon her soil, before she will submit." Was it that they were desirous to reëstablish the United States Bank, to restore the paper system, and prevent the passage of the sub-treasury bill? Mr. Calhoun was just as much a hard money man then as now. The Hon. John Quincy Adams, the leader of the delegation of the State of Massachusetts in Congress, and the Hon. Stephen C. Phillips, then representing this district in Congress, had just voted for the sub-treasury system, on motion of Mr. Gordon of Virginia. Poindexter the nullifier, Calhoun the nullifier, and Clay, who had just abandoned the American system to its fate, and who never touched it for seven years from that day, had formed a coalition; and that was the whig policy of Salem in 1834.

And now, gentlemen sometimes run their recollections back, and forgetting all this, (for one of the first qualifications of a whig, is shortness of political memory,) imagine, and please themselves with the imagination, that the whig party now stands where it did in 1834, and where it has stood ever since. As those gentlemen in 1834 did not intend to carry out any of their old principles; what was the bond of union then, and what was their war cry? It was, "down with the military chieftain;" it was a general attack upon the administration of Andrew Jackson; and the rallying cry was, "danger to liberty from the power of a military man." Why, you see, gentlemen, there was nothing else left. I have gone over the whole list of whig principles, and there was not one of them left, excepting that one rallying cry; and what has become of that?

That was the state of things in 1834; but very soon the whig party returned to the principles it had formerly avowed, and again attempted to carry them out. Its situation now is something like its situation in 1834. It has again abandoned its principles at Philadelphia; but now, instead of crying out against a military chieftain, as they then did against a man, not bred in camps, but in civil life, not by trade a warrior, but a warrior when the necessities of his country called him to the field, brought forward for his civil talents and services, and because he had done great military services also. That cry is dumb, and now, instead of that, they bring forward, without a precedent in your history or the history of any other nation, a man "not known in civil life," but known merely for his military services — a man who never threw a vote in an election of the United States, although old enough to have voted for some thirty or forty years. Strong as is the contrast with their professions then, this is their conduct now.

Mr. Webster has justly said, that it is "without precedent and without justification from any thing in our previous history." Harrison had seen some civil service; he had filled offices of a civil nature, as governor of a territory, member of congress, and minister abroad. His case, then, was not such a case as that now proposed to us. Washington was a member of congress, when he was appointed commander-in-chief in the army of the United States. Washington was as distinguished for his civil services as for his military renown. Washington was not elected president of the United States when commander-in-chief, but long after he had resigned his military station and retired to the shade of private life. Jackson was known to civil life, from his boyhood up. There is, then, as Mr. Webster has said, no example in the history of our country, of such a selection of a candidate for the presidency by a great political party.

But there is brought forward the Nestor of the old federal party, Harrison Gray Otis, to enlighten us upon this subject. He does not run a tilt against his friend Mr. Webster, by pretending that there is a parallel case to be found in American history; but he refers us, for precedents, to Julius Cæsar, Napoleon, Marlborough, and Wellington, and I believe these are the only instances from foreign history which any one has yet supposed to be at all parallel to that of Gen. Taylor.

We have been told by a distinguished orator, that Gen. Taylor has learned our great national interests, "as Julius Cæsar learned astronomy, in the camp." Now I am not going very largely into the history of Julius Cæsar; but this I will say, that that remarkable man became known first as a statesman, before he was known as a soldier; that he was a leading legislator, an orator; that he was at the head of a great political party at Rome before he took up the military command, and brought down the whole weight of Gaul to crush the miserable aristocracy of the city of Rome. Cæsar began his public life as a politician, a statesman, an orator. He was well known in their public assemblies as the best orator in the republic excepting Cicero, and a greater statesman than Cicero before he gained his military renown. So much for that example, which, instead of being a parallel case, is as opposite to this, as that of Washington or Jackson.

Napoleon is cited as a parallel case. But did Napoleon never vote? All his life long, he was a politician, and well known as a politician. He had written upon political subjects pamphlets which are now in existence, and had expressed decided opinions upon political questions. When he went into Italy, he was in fact the manager of all the French relations in that quarter long before any man dreamed of him as the executive head of the government. And when he took his seat at the council table which drew up that immortal code which bears his name, he exhibited as profound a knowledge of civil law as any man who held a seat at that board. His case, then, was not precisely parallel to that of Gen. Taylor, who, when asked his opinion upon certain measures, replies that he has not had time enough yet to examine the Constitution of his country.

Marlborough is another instance, I believe. But Marlborough was a statesman in his youth. Col. Churchill was a politician before he went abroad as a soldier, aye, all his life he was connected with politics. When a soldier, he was in constant correspondence with the Minister, so that his letters would make a large volume of political correspondence carried on by him from the army. He was a leading statesman in the country, a different and opposite case from that now presented to us.

So of Wellington. Take the correspondence of Wellington in India, and in the Spanish Peninsula, &c., and see how he is continually involved in politics; so that he is quite as much a statesman and politician as a soldier. Is General Taylor all this? Did it ever enter into the dream of the craziest whig, (and that is as strong an expression as I can use.) did it ever enter into his distempered imagination, that Gen-eneral Taylor had been all his lifetime a politician and statesman, and yet nobody ever heard of it till this day?

So much, then, for the instances of great statesmen of our own and other countries, who, possessing civil talents, have been devoted also to military services. In 1812, Mr. Madison entertained the idea of conferring a high military command upon Henry Clay. Had he done this, no doubt Mr. Clay would have distinguished himself in the army, but people would not have forgotten that he had been a statesman and an orator; and that would have been his earliest claim to their regard. Here, then, is brought forward, "without precedent or justification," a mere military man, for mere military services; and for what military services? Good God! that a party professing to look upon the war in Mexico, as murder, as inexcusable murder, which had passed resolutions in the State House in Boston, in which they treated it as murder, and implicated every man who takes up arms in it in the guilt of that murder, should then take up the leader in that war, which they call "unholy, brutal, and murderous," and say to him, — We know you have no other claims excepting those acquired in this war, we know that you have been the chief man in this "unholy, brutal, and murderous war," and *therefore* we select you to lead us on to political victory!

What, then, I was inquiring, when I turned aside to consider this strange and anomalous nomination, — what, then, would the whig party do to change the course of government, if they could by any possibility get into power? They say, "We would protect labor." I think the democratic party, *the party of laborers*, would reply, "We will protect ourselves." Why, what is the democratic party in the United States? It is the mass of the laboring people of the United States. And what is the whig party? It is the mass of the capital of the United States. Now, here come forward those patronizing select few, and say to the majority of the people of the United States, — the facts bear me out in saying the "majority," since the democracy have ruled the country, with scarcely an intermission, since the Revolution, — they say to the majority, "Oh, don't go on as you have been going. Give up the government to us, and we will protect labor." And how will they protect labor? Several things they propose to do.

The democratic party is the party of expansion, the party of progress, the party of freedom. The whig party is the party of restriction, the party of conservatism, the party — give it what name you please — that curtails freedom on all occasions and in every direction. Now let us see, for I say these things to bring them to a practical result, how this character of the two parties bears on the question of the protection of American labor. How do the whigs propose to protect American labor? First, they object to our extension of the territory of the United States. Is that the interest of labor, or of capital? A very little examination will show us where it leads. If I mistake not, we shall find that this same party will do what it has done in England, France, and everywhere else. It is contriving a great system to reduce the price of labor. If the territory of the United States is freely expanded by the annexation of Florida, Louisiana, Texas, Oregon, and California, then cheap land is abundant; and so long as cheap land continues to be abundant, so long you cannot grind down the wages of labor to the starvation point in America, as it has been done in England, Ireland, and some other parts of Europe. There was a great outcry that the people of the United States ought not to go beyond the Alleghany mountains; then it was against going beyond the Mississippi; having too much land would be ruinous to our interests, because the laboring classes cannot be confined like rats in a cage, until they starve or eat each other, when they have plenty of elbow room.

Here, then, is the way in which a comprehensive democratic statesmanship would begin to protect labor: by affording it ample room, scope sufficient to work out its will upon the whole unoccupied North American continent. What interest is really injured by such a course? Is your commerce curtailed because you have Louisiana? Ask those who build the ships and own them, what has spread our commerce over every sea, more than the acquisition of Louisiana? Why, if we had not had Louisiana, wages would have been lower, and the owners of cotton factories and woollen factories could have hired men, women, and children, for less money than they now can.

But let us look at the other side of the question. Suppose that the manufacturing interest, instead of their miserable starveling policy, conceived by avarice, engendered by stupidity, of shutting up men to keep their wages down, that policy which defeats itself, as all selfish policies defeat themselves, — should adopt our policy. We substitute a wealthy laboring class; to be sure the manufacturer does not get labor so cheap, but he has ten thousand customers he never would have had under his own system. Instead of shutting up men and starving them, we spread them out, where their labor shall be productive to their own benefit; and a part of that benefit comes back to the manufacturer; because the laborer, instead of being poor, becomes comfortable, and buys more cloth of the manufacturer. So then a free diffusion of the population finds a market for the products of manufacture, and finds products for navigation to transport; it builds up commerce and manufactures, and gives birth to that glorious agricultural community, which, after all, makes the backbone of the American nation. If those millions which fill the valley of the Mississippi could have been confined on this side of the Alleghany mountains, true, wages would have been lower, but men would have been less comfortable, less intelligent, less deserving to take part in the management of their own concerns, and less an object of admiration and envy to the rest of the world. It builds up a great manufacturing interest; it builds up a great agricultural interest; it builds up a great commercial interest; and the narrow, short-sighted, selfish policy of restriction which says, compel the laborer to buy his shirt and jacket of me, and do not let him go to England for them; which says, do not send corn to England, because you must bring back in payment cotton and woollen cloth, — destroys itself, and diminishes every one of the great interests of the country.

Let us see how it directly bears upon the agricultural interests. If, by a tariff, you shut out goods, you also throw out of employment the ship-carpenters and sailors who would have transported those goods; and you not only do this, but you at once put a stop to an immense amount of profitable agricultural labor; because the English and Germans do not give us broadcloths, and the French do not give us silks and other articles; but they are all to be paid for; and how? In the agricultural products of the United States; there is no other way. They are not paid for in specie; one year's importations could not be paid for by all the specie in the United States. They are paid for by agricultural products; and not a yard of cloth comes into the country but what encourages American labor; because somebody has raised flour and corn which has gone abroad to pay for that cloth.

I was talking about this the other day with a very intelligent gentleman, and I offered to quote the facts, and to show exactly how the agricultural interests would be affected by a tariff, but he did not believe in statistics; he did not believe they were ever correct; and when I offered to argue the matter, — "O, I never care any thing about theory; that is nothing but theory." In order, then, to get along with the other side of the question, it is necessary, first to reject facts, and then to reject theory; and having rejected both, I should imagine a man would be pretty sure to go wrong.

First, let me allude to two great facts; and you must pardon me, if I allude to such facts as I do not see mentioned in the speeches upon the subject, by my great whig friends. Whenever a tariff is made more restrictive, which the whigs call protection, the prices of agricultural products, as a general thing, fall; and whenever you lower your tariff, as a general thing, the prices of agricultural products rise. This is true, not merely of corn, wheat, tobacco, and sugar, but as a general thing of every article in the whole list of agricultural products; and this is the fact not of one year and one tariff, but of all the tariffs and of every year.

And now, do you want to see whether this fact is a trifling one? Take the products under the compromise tariff, under Mr. Clay's system. The products begun to be reduced; take the average of the years 1839 to 1842, the four last years when the tariff was reasonably low, and you find us selling larger quantities of agricultural products at higher prices. From 1843 to 1846, agricultural goods were lower. Then the tariff was repealed and altered, and in 1847 they rose again. This is the general fact, and I will show you how far that fact reaches. If the products exported from this country, in the four years, from 1843 to 1846 inclusive, had been sold at the average prices of the four preceding years, the gain would have been one hundred and thirty odd millions of dollars. That is the difference. The products under the high tariff sold one hundred and thirty odd millions of dollars lower than they had sold during the four years preceding. Is this nothing to the west and south? "Oh, those southern men are very unreasonable; does not everybody buy cotton and flour that wants them?" But look at the facts, and see the difference. I have carefully looked them over, and taken the official figures, and this is the result. We should have gained one hundred and thirty odd millions of dollars during those four years, if it had not been for the tariff; and I say this because the fall takes place in 1843, and continues to 1846. It was eighty-nine millions on the single article of cotton; sixteen millions more on tobacco; sixteen millions more on bread stuffs and provisions, and the rest on other articles.

Now you are told, when you say that the prices of products were higher in 1847 than in all the previous four years, that it is on account of the famine in Europe. Was there a famine in Europe in 1841 and 1842? Why, the whigs were crying out that "this low tariff was ruining us." How? By giving the farmers of the west 30 per cent. better prices for their products than they were able to get under the high tariff. From 1843 to 1846, the prices were low. Then in 1843 the prices rose again, and this was owing to the "famine in Europe." A famine may cause bread to rise, and pork to rise; but pray tell me if a famine in Europe makes cotton rise. If a man in England finds that it is all he can do to get bread for his family, does he go to buying cotton for his wife? Why, it is plain as preaching, and much plainer than a good deal of the preaching it has been my misfortune to listen to, that a famine raises the price of the staple articles of food, while the price of cotton and other less important articles diminishes. Well, does the famine raise the price of tobacco? A man who must go without his bread or tobacco, I am inclined to think, would at least shorten his allowance of tobacco. Nor do I see how a famine would raise the price of sugar. A man at the point of starvation would not buy sugar; he would buy bread or potatoes for his family; and sugar would be less in demand on account of the famine.

I shall be told that there was a small crop in 1847. There was a small crop of sugar, but not very small. Now this is my answer. In 1848, there is an uncommonly large crop, both of cotton and sugar. There have been, generally, from one hundred and seventy to one hundred and seventy-five thousand hogsheads of sugar; but this year, there are two hundred and forty thousand hogsheads, an immense crop, the largest crop ever raised in the country. And so of cotton; the crop is the largest but one, ever grown in the United States. Therefore, we have not only the famine, but an immense and extraordinary crop of cotton and sugar; and yet, taking the years 1847 and 1848 together, which give a larger average than former years, the prices are higher. They are higher in spite of the famine, which ought to have made them lower; and higher in spite of the larger average crops, which ought to have made them lower. I say then, that if the tariff has not something to do with this change, will anybody tell me what has? It is not the size of the crop, it is not the famine in England, it is not any other cause that I can conceive of. It is simply this. When we buy of other people, they can buy of us. If you say to your neighbor in one of your small towns, "I will not buy my boots and shoes of you," "very well, then," says he, "I must go somewhere else for my hat; if you will not buy of me, I cannot buy of you." And so of foreign nations; if we buy of them, they will buy of us; but if we will not buy any thing of them, they cannot buy of us. It is not a question of friendship, it is a question of necessity.

We were told in 1840, only build up the manufacturing system, and you will make a home market to consumé all the bread and pork of the country. Now I am going to measure that. There is nothing so fatal to whig doctrines in this country, as a slate and pencil; and the man who desires that his boys should grow up democrats, should take care that they learn to cypher. In Buffalo, in 1844, I happened to take up a whig speech by one of my Massachusetts friends, and there I read facts which perfectly astonished me. It stated that the manufacturers of a certain portion of the United States, consumed a certain amount of provisions in a certain time. Now, in making the calculation, I found that there were six hundred and forty pounds a day which each man had to eat! That all passed off for good, sound whig political economy! It was like the crusade of Mr. George Evans through the State of Maine. The honorable senator went through the State, and the burden of his song was the distress that would fall upon the State of Maine, if the duty was taken off of potatoes. I followed him through the State, and made the calculation as well as I could, and I found that the quantity of potatoes which would be brought in by the alteration of the tariff, would amount to *one eighth part* of one potatoe for each man, woman, and child in the State. I believe the people came to the conclusion that if they could be ruined as easily as that, by the introduction of one eighth part of a potatoe apiece, it was not at all worth struggling for. They might as well be ruined at once, and "done with it."

It was the great uproar in 1840, that the home market would be given to the labor of the west, if Harrison was elected, by protecting home manufactures, and especially cotton manufactures. Now in that identical year, (1840,) according to the census, we manufactured at home, forty-six millions of dollars' worth of cotton goods. Some of those which were imported, were again sent abroad, and we also shipped some of our own cotton; but the excess of our imports above our exports amounted to one million eight hundred thousand dollars; and that was all. Now suppose that the tariff had been passed that year, to prohibit all cotton cloth from coming into the country, how many laborers would have been called into action to manufacture this cloth? It would have employed a little less than three thousand persons in a nation of twenty millions. How much agricultural labor of the west would that have put into action? Each one of these three thousand laborers, to make the statement perfectly fair, should be supposed to have a wife and family to support; and allowing five persons to each family, we have fifteen thousand persons who would be employed, or dependent upon our agricultural labor on account of this manufacture; and they would eat, of course, bread and other products.

Now the west is a country of considerable extent. You may sail down the Ohio and the valley of the Mississippi a week or ten days, and yet find you are not very near the end of your voyage. One county in Ohio, twenty-five miles square, will contain six hundred and twenty-five square miles; each square mile will contain six hundred and forty acres, making four hundred thousand square acres in one county. Suppose one half to be planted with wheat, and the other half to be planted with corn, supposing the wheat to be fifteen bushels to the acre, and the corn only thirty-five bushels to the acre, which is a low estimate, and you have ten millions of bushels of bread stuffs in one county. Now there are between eighty and ninety counties in each of the western States, but will your fifteen thousand cotton manufacturers eat the whole ten millions of bushels? or nearly two bushels each per day! You see that a very small fraction of one county in Ohio would feed all these additional manufacturers. If you suppose them brought into action by this tariff, why, they may eat one hundred and fifty thousand bushels, and that would be allowing them to eat pretty fast, but not ten millions; that will feed hard upon a million of persons. You have got enough, then, to feed all your manufacturers out of a small part of one county, and what will you do with the other counties of Ohio? Then there is Iowa, Missouri, Kentucky, Tennessee, and the other western States; what will they do with their wheat? "Oh, let it rot; because theory is every thing, and we go for the grand American system of protecting American labor!"

I go one step further. They passed their tariff, but did they shut out the foreign produce from the country? It so happens that they did not. In the years 1844, 1845, 1846, the three last years under the high tariff of 1842, the imports of cotton goods exceeded the exports by more than nine millions; because the amount was so trifling, that in fact it was not regulated by the tariff which they passed on purpose to regulate it. They tell you, you are ruined by the low tariff. In 1848 the average is ten and one half millions, and for three years before, but nine and one third millions of imports. You perceive at once, that the number of men called into action by this change is as nothing compared to the rise of one cent upon a pound of cotton or of half a dollar upon a barrel of flour.

But let me go one step further. We have supposed all the cotton to be consumed in this country under the high tariff, which was consumed before; but there is not so much cotton consumed when you have a high tariff, because the people of the west, not being able to sell their products at a profit, are not able to buy so much cotton. Immediately after the low tariff the cotton manufacture of this country increased faster than it had since the first cotton mill was built in Beverly, about the beginning of George Washington's administration. It was four hundred and twenty-seven thousand bales in 1847; and five hundred and thirty-one thousand in 1848. It increased nearly 25 per cent. in the second year of this horrible tariff, which was to destroy the whole American manufacture.

Now they tell us that they are ruined, ruined by the great quantity of cotton goods thrown upon the market. Who throws them there? They are not the goods of England; they have not increased 25 per cent. They have produced these goods themselves, in spite of their pretence that they were to be ruined. It is putting up so many new factories which has brought upon them this depressed state of their market. The increase has been a hundred thousand bales of cotton; vastly more than ever before had been consumed in the southern and western States. Now, why has the cotton manufacture increased so rapidly as it has since the tariff was lower? I will tell you why. It was because the people out west, having a command for their goods, were becoming rich and comfortable, and of course bought more cotton. The manufacturers have done right in putting up new factories to supply this increased demand; only they have gone a little too fast, and they should not charge that error upon the government. The increase of American cotton goods from forty-six millions in 1840, to sixty-five millions in 1848, is an immense per centage, and too great for the demand.

So much, then, for the effect of liberal policy upon the agricultural and manufacturing interests. Before I go further, I want to notice one little fact connected with this subject. When they tell you the number of persons engaged in manufactures, they always take from the census the total number of persons there said to be engaged in manufacturing and mechanic industry: the stone-cutters, masons, ship-carpenters, house-carpenters, etc., are included in the total given. I don't think it is necessary to protect these by a tariff, lest they should import cellars already dug, and chimneys already built. Nor need we fear that foreign labor will compete with our saw-mills, or our flour-mills; many centuries I think it will be before that will happen. Will you build fewer ships because you have lower goods to carry? Yet they reckon all these classes of laborers; and they include also the manufacturers of boots and shoes, which we can send to the British provinces; of hats, which we can send to Buenos Ayres; and of coarse cottons, which we can send anywhere in the world, cheaper than England can send them. They have to bring these all in to swell up the aggregate number, and then imagine them to eat twice or three times as much corn as they really will; and even then this industry to be protected, is as nothing compared to the vast products of the great West.

I perceive that this is a dry discussion, and I will therefore pass over one topic more, and then I have done. How are commerce and the interests of navigation affected by a high or low tariff? Why encourage manufactures, cause the teeming West to produce millions upon millions of bushels of grain for the starving millions on the other side of the Atlantic, and you have at once employment, and profitable employment, for a vast mercantile marine. Since 1830, when the tonnage of the United States was a million, it has grown up to three millions, or more than trebled in eighteen years. Is not that a growth worth encouraging?

Do not discourage the commerce of this country; do not hang a millstone about its neck, but give it free scope, and that is all the protection that it asks. This congressional district has about sixty thousand tons of shipping, and every ton of that shipping has cost at least $5 more on account of duties on materials of construction and outfit, making an aggregate of $300,000 levied by the tariff; and yet it survives and prospers; but prosper it would more vigorously if you would remove all restrictions.

Great Britain, in olden times, was the "mistress of the ocean." Her flag for a thousand years had braved the battle and the breeze, so long as she had only the old world to contend with. She is "mistress of the seas" no longer. What is it that constitutes naval strength? It is not the oaken ribs. It is not the ships. They can be built out of the products of your forests in a very short time. That which makes our naval strength is hardy tars, bold and fearless, who dare to beard the British lion in his own home. We are for protecting labor. Give your labor the markets of the world. Give to the labor of the hardy Yankee tar, the scope of the Atlantic and Pacific oceans! It is your tars that make your naval strength, and what shall decide the number of your seamen? The amount of employment your country gives to them. And who gives employment to the seamen, — he that passes a high restrictive tariff, or he that encourages *Free Trade* with all the world?

Great Britain had a mercantile marine vastly greater than ours. What was the consequence? When she went to war, she could take from her merchant ships any number of seamen she might require in her navy. She impressed them; a thing which never has been done, and which I hope never will be done in this country. That was the secret of her power. We are going on in a career of prosperity. Never has our navigation increased so much in any four years, as it has in the present and the last year. We are increasing the amount of our shipping seven per cent. a year, more than three times as fast as our population increases. We are increasing so fast, that within less than four years from that day, the mercantile marine of the United States, the tonnage of the United States, and the number of the seamen of the United States, will be far beyond that of the British empire, including all her islands and all her colonies.

Then if there shall be a war, and no other nation is pretended to be liable to a war with us excepting Great Britain; if there shall be a war, the bloody cross of Saint George must veil and bow before us, upon whatever sea we shall meet her, and we shall be ready to meet her upon all seas. So much for the war side of the picture. If it be necessary to fight, — and I hold that it is best to avoid fighting as long as you can, and when you must fight to do it effectually, — if it be necessary to fight, that is the position in which free trade places the American nation.

We can have no wars upon the land. The serpent of Mexico will never lift up her head in defiance again. Canada would be glad to sail under our stars and stripes this blessed day, if we would receive her. We have no enemies upon the American continent. If we have any war, it must be upon the ocean, and such a war would be trivial, if with any power excepting Great Britain. Over her power we shall predominate within four years from the present day.

Now look at the other side of the question. Our whig friends say, that General Cass is an able and excellent man; they have nothing to say against his private life or public career as a statesman, with one single exception, — he is too much inclined to war. We are told, that the democratic party is the party of war, and that we shall be involved in a war with Great Britain. A liberal policy in commercial affairs increases our navigation and strengthens our naval power, and Great Britain is not quite as ready to go to war with us since 1812 as she might have been; because some of my friends from Gloucester and Marblehead, happened to meet some of her children, and they gave Great Britain then a touch of their quality which she is not likely to forget. And now you have trebled your tonnage since 1830, so that it is close upon the heels of the English mercantile marine, and increasing every day. When our ships and sailors are more numerous than those of Great Britain, will Great Britain be any more disposed to go to war with us than in 1812? The party, then, that pursues a liberal commercial policy, that builds up navigation, and causes your sails to whiten every sea, and your stars and stripes to float in every port, pursues the policy which makes peace certain, because nobody will desire an enemy so strong as the United States will make herself.

On another ground we have less cause to fear. With whom do people go to war? With their enemies; with those who they imagine have given them cause of war. Now, take the war policy of restriction. It shuts every man up within himself, and every nation within itself. We do not want to sell you any thing, or buy any thing of you, is its spirit. Keep yourselves to yourselves, and we will keep ourselves to ourselves. That makes enemies. Mountains interposed made enemies once; but the railroad that crosses the Alps, and the railroad that crosses the Pyrenees, will take away that cause of war. Now, restrictions make enemies; take away those, and we are friends to the world, and have no enemies. If we take the starving Irish population and feed them; if we take the operatives of Manchester and other English manufacturing cities, and strengthen their arms for labor by filling the bellies of those unfortunate men, do you think they will go to war with us who furnish the raw material for their labor, who furnish the clothing for their backs, and the food for their stomachs, and stop their own supplies? When they find us every day a better customer, will they go to war with their benefactors? ("Marblehead will keep them off.") "Free trade and sailors' rights," was what old Marblehead fought for in the last war. Great Britain then denied us free trade. Great Britain has come to her senses since. She tried the "protection" of labor, until it had starved thousands and tens of thousands. She now proposes fair and free exchanges of our products with hers. And I say that liberal and free exchange makes friends of all nations, and makes a war impossible.

General Cass, then, is the man of peace; and not such a man of peace as my whig friends have conjured up, who has spent all his life in the camp, whose trade is war, and who has been so devoted to that trade that he has not had time to examine the Constitution of the United States, to see whether a United States bank or a high tariff is constitutional or not, so that he has no opinions on the subject! A man who has confined himself so closely to the trade of killing men, is not quite so likely to be a peace man as General Cass, who has been all his life a civilian, and who adopts and supports that policy which makes all nations friends, because it makes them mutual benefactors.

I will take up no more time with this discussion. Let me say to you, that the democracy of the country is to decide these great questions. The democracy of the United States is to determine whether hereafter the policy of our nation in the world, shall be to make an enemy of every other nation; to keep at home its own food, and to shut out its neighbor's clothing; to provoke and irritate, instead of conciliating and making friends. There never has been, and there never will be, excepting in this manner, such a scene of universal brotherhood in this world as will follow the general adoption of a liberal commercial policy. "Liberty, Equality, Fraternity," and the fraternity of all men. That is the doctrine which thirty-four millions of Frenchmen now hoist at their mast-head, and that is the doctrine that is to circumnavigate the globe with our ships, and their ships, and the ships of every nation, as they float upon the sea. Shall we join in this policy? Shall we say, let labor have free scope; let the untilled lands be brought into the market at the cheapest rates, so that agriculture shall have free play? Let the products of the West be sold, in God's name, in Ireland, in England, or anywhere else where there is an opportunity to sell them. May our commercial greatness, vast and towering as it now is, go on increasing as it has done; and let our onward march in greatness, in wealth, and in prosperity, be accelerated, as it will be when we adopt that policy which makes a Christian brotherhood of all nations, and unites their before discordant interests into one.

SPEECH ON THE INTERESTS OF THE OLD STATES IN WESTERN AVENUES OF INTERCOURSE.*

The House having taken up for consideration the bill granting to the State of Missouri the right of way and a portion of the public domain, to aid in the construction of certain railroads therein, the Speaker said the gentleman from Massachusetts, [Mr. Rantoul,] was entitled to the floor.

Mr. Rantoul said: The question before the house seems to me to be very far indeed from a question of mere sectional and local interest. The disposition to be made of the public domain is certainly a great national concern, and ought to be argued with a view to its bearing upon the great national interests of the country, which are common to all sections. I do not see clearly — I cannot be certain, and I think no other man can be certain — that the national domain will continue to belong to the United States as common property, to be applied as it is now applied; for probably — without looking very far into the future — it is probable, that some means will be found to withdraw the public lands from their present position, and to put an end to the long series of controversies somewhat sectional in their nature, — to make a final adjustment, upon general, just, and national principles, of the whole subject. But into the question whether such an adjustment be possible, and if it be possible, how it ought to be made, I do not now propose to enter. I intend to confine my remarks to the question, whether appropriations, such as are proposed to be made in this bill, ought to be made for the opening of great avenues of internal trade. The old thirteen States have certainly great interest in determining what shall be done with the public lands, — and interest as great, in some views, as that of the States in which the public lands are situated, — and I wish to inquire, what use can be made of the public lands, at the present, and until some final adjustment is agreed upon, and of the proceeds thereof, which shall be equal in its advantages to the old States, as well as to the new! The proposition now before the house, is for a grant of alternate sections of land to aid in the construction of roads in the State of Missouri. It stands upon the same principles as other similar propositions which must soon come before us. What can be done with the public lands that will so conduce to the benefit of the whole country, as to use them so as to bring about — especially if it can be done without cost to the national treasury — to bring about, I say, the opening of all the great channels of internal commerce? I cannot conceive of any other use to be made of them so beneficial. A general plan of roads has already been commenced, — a plan, not the product of any one mind or any one set of minds, and yet well combined, and mutually harmonizing, from the natural tendencies of the trade and intercourse which occasioned their construction, and so, without pre-concert, forming a portion, so far as they are completed, of a great and well-contrived system. Your roads, from Boston, by the way of Buffalo, to the west; from New York, by the way of Dunkirk, to the west; from Philadelphia, by the way of Pittsburg, to the west; from Baltimore by the Ohio river, to the west; from Alexandria, Norfolk, and Portsmouth, through Virginia — awake at last to her commercial capacities — to the west; from Charleston and Savannah, promising also to rise from their long depression by their connection with the west, — I say all these roads furnish the beginnings of chains of intercourse which must be carried forward further than they now are, in order to derive from them their full benefits to those sections of the Atlantic slope through which they pass. The Atlantic slope can have no valuable commerce, I might almost say, except what she derives from the west; that slope being barren, as compared with the valley of the Mississippi; and the old States being unproductive, as compared with the new States. That western commerce, and that western delivery of agricultural products, which already employs far the greater part of the navigation, will, at no very distant period, employ, comparatively, almost the whole of your navigation. The products of the Atlantic slope to be carried to foreign countries, and the products of foreign countries to be brought here for delivery and distribution to the inhabitants of the Atlantic slope, will be as nothing compared with those products which are to be delivered from, and the merchandise and manufactures to be forwarded to, the valley of the Mississippi.

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* Delivered in the United States House of Representatives, Feb. 18, 1852.

This being the case, then, and the commerce of the nation being, in fact, destined to be an interchange between the valley of the Mississippi and the rest of the world, it becomes extremely important to all who are interested in the commercial prosperity of the old States, that these channels should be opened, and should be made cheap, speedy, and convenient. Now, so far as this bill proposes to continue and aid in the construction of these channels of communication, it proposes to do so without loss to the general government; without loss, I say, of a single dollar to the general treasury. You take one thousand two hundred and eighty acres of land lying along-side of each other, and you say to the State of Missouri, Take one half of this; take six hundred and forty acres, and apply the proceeds thereof to the construction of railroads, and pay the same price for the remaining six hundred and forty acres which you formerly paid for the one thousand two hundred and eighty acres. You say it is the settlers in those States who are to pay the additional prices, for the sections taken together pay as much as they did before, and the sale is much more likely to take place within a limited period of time,—much more likely to take place in a year, or a few years,—than it would be at the old prices, and if the access to those lands had not been facilitated. What makes lands within five miles of a great city more valuable than those a hundred or five hundred miles distant? It is simply because the produce of that land has a market, and because the time and expense of getting to that market is comparatively small. Diminish the time and expense of reaching a market from a section of land in the State of Missouri, and you raise the price of that land instantly and largely the moment you do so. Now, sir, of all the inventions that science has struck out, a good railroad is the machine that shortens the time, and lessens the expense, and puts a market at your door most effectually and most surely. That, this bill proposes to do for the inhabitants of Missouri along the line of this road, and proposes to do it in a manner which will not draw from the national treasury one dollar, and which will not prevent from passing into the treasury one single dollar; for you will not in Missouri, you will not in any State where a railroad is needed—and if it is not needed it ought not to be constructed—I say, you will not fear, but may be certain that the demand for land, at double prices, will be much more rapid than at the ordinary prices elsewhere.

You propose to give lands, at the present value, at $1 25 an acre, amounting to six sections, worth $4,800, for each mile of railroad to be constructed, which mile will cost something like $20,000. Of this sum $15,200 are to be contributed by the State of Missouri, or by individuals, who, it is to be presumed, will not throw away this amount of capital without some examination into the question, whether the business of the route is sufficient to yield an adequate return. And, indeed, through the fertile regions of the west, if the business is not there, let your avenue point towards a great market, and the road will bring it there. Ultimately, routes running towards natural centres of commerce will pay. The title does not pass from the United States, unless the road be actually constructed; and if the road be not built, the land reverts. The work, then, must be done, and the State or individuals must contribute the sum of $15,200, or thereabouts — I do not profess to be accurate in this estimate of the cost — for every mile of the road, or else no land will be taken from the United States. If the road be so eligible or desirable to be built, that the State or individuals will contribute this amount, then the probability is quite strong enough that the road is required by the interests of the country, and will be built.

Well, I said that the products of these States, the products of the valley of the Mississippi mainly, — the agricultural products, I might say, — are those which do now support the navigation of the United States. They constitute already almost the whole. Of your cotton, you send to market from four hundred thousand to four hundred and fifty thousand tons weight, of your Indian corn two hundred thousand to two hundred and fifty thousand tons weight, and of your flour two hundred thousand tons. These immense productions support and require navigation. Our ships would be useless, if you take away these articles, which are produced at a great distance from the Atlantic seaboard, and which must be brought to the seaboard, and which require these channels to bring them. Surely, then, it is important that the old States, which have great navigating interests, and great commercial interests, should look well to the agricultural interests of the west; because it is that which keeps alive their commercial and navigating interests. We are their carriers; and without the freights they bring to us, our ships would rot in the docks. I am treating of a great national interest, for the benefits of a free commerce are diffused among the agricultural population of the country as universally and as certainly as among those who carry it on. But because the west is already everywhere alive to these great interests, I address myself more particularly to the commercial interests of the old States. Take the line of railroads that stretches from Boston to Buffalo, the New York and Pennsylvania canals, the Erie railroad, the Baltimore and Ohio railroad, and you will find that these works alone, without including any others, receive from fifteen to twenty millions of dollars every year, for tolls from the produce which passes over them from the west to the east, and for the returns, with the travel which this business causes. Fifteen or twenty millions of dollars a year is a tax that is levied upon that transportation inland. And when you come to estimate the cost and profit, as the transportation continues across the ocean, it swells up to an amount vastly greater than the profits made upon the internal transportation. Is not this, then, a matter to which the old States, — for I address my remarks particularly to that section to which I belong, — is not this a matter to which New England, New York, Pennsylvania, and Maryland, ought to look? The tolls they receive amount to fifteen or twenty millions of dollars, which is levied upon these articles of produce. Their freights abroad, and for returns, amount to vast sums, which I cannot pause to measure now.

There is another great interest, — the manufacturing interest. Let me say a few words upon this subject, and I propose to say but a few. The great manufacturing interest thrives as its customers thrive, and it cannot thrive without them, nor without their prosperity. The manufacturing interest in New England, New York, and Pennsylvania perishes if the west ceases to be a good purchaser. The danger to that interest is not from importations from abroad. The hopes of the manufacturing interest should not be in excluding importations from abroad. That interest in the north-east should cease to look with fear to the other side of the Atlantic; but it should begin to look with hope towards the west. That is the true doctrine for the people of my section of the country. May they learn it, and act upon it in season. Why, Sir, the manufacturing interest has every thing to hope from the people of the west, who are its best customers. Look at the change that has taken place within a few years past. The president, in his message, has told us that agricultural products have not risen in price, and experienced an increased demand, as was expected under the present tariff, as compared with the former. Sir, I do not know what gentlemen expected, but their expectations must have been extravagant indeed, if they have not been more than satisfied. If you take the agricultural products of this country, take the whole amount of articles exported from this country, — and they are almost all agricultural, — from the year 1842 to 1846, during the operation of the last tariff, and compare their export value as stated by the shippers, with the value of the same quantities of the same articles at the prices which prevailed before 1842, and you will find the difference to be about one hundred and twenty-five millions of dollars. You will find that your exports of products of all sorts brought, under the tariff of 1842, about one hundred and twenty-five millions of dollars less than the same articles would have amounted to if sold at the prices which prevailed for four years previous to 1842. There is a state of things which agricultural interests would not desire during those four years. How has it been since 1846? There has been a general rise of about the same amount; that is to say, about thirty millions of dollars a year. The articles exported since 1846 down to the present time, if they had been sold at the average prices that prevailed from 1842 to 1846, would have brought nearly one hundred and fifty millions of dollars less than they have brought — a difference of thirty millions a year as before. Under the tariff of 1842, our exports sold for thirty millions of dollars a year less than the same qualities had sold for before; and under the tariff of 1846, and since that time, they have brought thirty millions of dollars a year more than the same quantities had brought before.

Cotton exported, with its value, during three periods, from 1839 to 1842 inclusive, from 1843 to 1846 inclusive, and from 1847 to 1851 inclusive: —

A.

	Four years ending with 1842.	*Four years ending with* 1846.
Quantity,	2,272,486,390 lbs.	2,876,394,612 lbs.
Value,	$227,018,094.	$197,690,291.
Price per lb.,	9 99-100 cts.	6 873-1000 cts.

The quantity of cotton for the latter four years, at the price of the former four years, 9 99-100 cents,

Would have sold for	$287,351,822
Official return of its value,	197,690,291
Loss on cotton by fall of prices,	$89,661,531

Five years ending with 1851.

Quantity, (pounds,)	3,930,715,351
Value,	$366,111,042
Price, (per pound,)	9 314-1000 cts.
The quantity of cotton for the latter five years was valued at	$366,111,042
At the price of former four years, 6 873-1000 cents, it would have brought only	270,158,066
Gain on cotton by rise of prices,	$95,952,976

B.

Loss on fall of prices under the tariff of 1842, and gain by rise of prices under the tariff of 1846: —

Under tariff of 1842.

Loss on cotton, (as per table A,)	$89,661,531
Loss on tobacco,	16,786,197
Loss on vegetable food,	8,519,803
Loss on provisions and animal products,	4,373,108
Loss on other exports, (estimated in part,)	7,000,000
	$126,340,639

Under tariff of 1846.

Gain on cotton, (as per table A,)	$95,952,976
Gain on tobacco,	7,482,289
Gain on vegetable food,	25,173,392
Gain on provisions and animal products,	8,662,264
Gain on fisheries,	978,572
Gain on ashes,	1,136,781
Gain on other exports, (estimated in part,)	9,000,000
	$148,486,274

Not only have the prices risen, but the quantities also have vastly increased. The enlargement of the aggregate of a single year's business to the extent of two hundred millions of dollars in five years' time, is enough to satisfy reasonable expectations. Yet this amount is the subject of complaint in the message.

	1846.	1851.
Imports, ...	$121,691,797	$215,725,995
Exports, ...	113,488,516	217,517,130
Aggregate, . . .	$235,180,313	$433,243,125

The year 1846, which I have chosen for this comparison, is the year of the largest trade under the tariff of 1842, though it is not so large by several millions as the average of the ten years preceding that tariff.

But it is said the farmers have been disappointed. Let us see with what reason: —

C.

Showing the exports of vegetable food and animal products, from 1843 *to* 1850, *inclusive.*

	Animal.	Vegetable.	Aggregate.
1843	$3,963,694	$6,955,908	$10,919,602
1844	6,149,379	11,239,437	17,388,816
1845	6,206,394	9,810,508	16,016,902
1846	7,833,864	19,329,585	27,163,449
	$24,153,331	$47,335,438	$71,488,669
1847	$11,113,074	$57,070,356	$68,183,430
1848	12,538,896	25,185,647	37,724,543
1849	13,153,302	25,642,362	38,795,664
1850	10,549,383	15,822,373	26,371,756
	$47,354,655	$123,720,738	$171,075,393

Agriculture is not suffering when we open the door to allow her products to pass to her customers; and manufactures do not suffer when the agriculturists, receiving a high price for their surplus, have something left to expend. The interest of the agriculture of the west is an open door to the largest markets; a free passage back and forth to sell what may be disposable, and to purchase what may be desired. That is the only sound doctrine for sensible men. That being the interest of agriculture, and the difference between the present state of trade and that five years ago, amounting to the vast sum which I have named, — is the enjoyment of this field for his sales all the interest which the manufacturer north-east has in the keeping up of the prices of agricultural products, which is best done by opening the avenues to market? Not at all. It is not merely that you enrich your customer, and, therefore, can sell to him. That is not all. I am speaking to north-eastern men. By what tenure does New England, does New York, does Pennsylvania, hold the manufactures which they now monopolize? Why do they manufacture for the west, and how long will they do so? Not forever. My friends must be aware of that fact. It is not in the nature of things, if we look at them as they really are, and do not try to impose upon ourselves by any fancies in the matter. New England will not forever make cotton goods, and Pennsylvania iron, for the valley of the Mississippi. Not at all, — it cannot be so. The man who thinks that it is to endure for centuries, expects to war against the laws of nature, and overcome them, — a result that never happens. Why, Sir, can any one tell me why cotton goods should be made in Lowell, or in Massachusetts anywhere, for the valley of the south-west, when Ohio, Indiana, Illinois, Kentucky, and Tennessee are close upon the region that produces the raw material? Why should not cotton goods, at least for their own consumption, be made there? Why should they not be made in Alabama, or in Georgia? For my part, I can see no reason; and, therefore, I believe ultimately they will be made there. Well, can any man tell me why woollen goods, to supply the west, are to be made in New England forever, when Wisconsin can raise wool at half the price that we can, — when Iowa and Michigan are increasing their production of wool as rapidly as the returns in the newspapers tell us they are? Where wool grows cheaply, in a good climate for manufacture, — where there is good water-power, and an active and thrifty population, — there ultimately will be the seat of the woollen manufactory. Will Pennsylvania always furnish the iron for all of the United States? I think that Pennsylvania has something else to apprehend than importations from the other side of the Atlantic.

The region around Lake Superior has better iron ore than most of that of Pennsylvania, and a great abundance of it. I have here before me the calculation of a single deposit of iron ore there, — a mountain of iron ore, three quarters of a mile in length, and half a mile wide, and from fifty to two hundred and fifty feet deep, — to be within bounds, I choose to take seventy-five feet only, as the average depth. Take those dimensions, and you have 145,000,000 of tons of ore, reckoning five tons to the cubic yard. That single spur of iron, — 70 per cent. iron to the ore, of 145,000,000 of tons of ore, is less than one thirtieth part of the deposit upon the shore of Lake Superior, — you have there 2,200,000,000 of tons of iron in a single deposit, reckoning two tons of ore to one ton of blooms. Well, at a million of tons a year, it will last you two thousand two hundred years. And that is what Lake Superior alone has of the finest iron in the world. You can manufacture it already cheaper than you can make it anywhere in Pennsylvania. Will the north-west be supplied from Pennsylvania, when she has the iron there within her own limits?

Mr. Robbins. Has she coal in the same proportion?

Mr. Rantoul. Not precisely. If it were worth the while, I would argue the question out, and I think I could give my friend an answer to his very pertinent question, which would be satisfactory. But, within the limits now left to me, I have not the time to go into the details of the question. Is St. Louis to be the seat of the great iron manufacture of the centre of the Mississippi valley, or is it not? Is Missouri to bring iron from Pennsylvania? Has not she better ore than Pennsylvania? Has not she ore enough to supply the whole civilized world, thousands of years, and coal, too, not very far off? A very short railroad runs down to a bed of coal that is suitable for the purpose of working her metals.

In East Tennessee there is a quantity, inexhaustible, which makes good, strong, malleable, tenacious iron, very different from the largest part of the iron manufactured upon the Atlantic slope. But is the west to look forever east for its supply? Most assuredly it will not. It seems to me the man is mad who imagines it can be so. Here, then, for the purpose of illustrating my idea, I have taken three branches of manufacture, — the iron, the woollen, and cotton. Sooner or later the three, each of them, will depart from their present locations in New England, New York, and Pennsylvania. And when it is for the interests of the people of the United States for them so to do, in God's name let them go. You cannot expect, against the interests of a great people, to hold any branch of industry in any particular location. It must follow its own laws. It must go where it can thrive best. It must go where it is best suited, and leave others to whom it is not suited by nature, to seek out new modes of industry, and to exert their enterprise in other ways. For my own part, I believe that the people of New England and New York will find out other ways in which they can exert their enterprise and industry to quite as great advantage; and I say to the people of the north-east, cotton, woollen, and iron, must some day or other be generally manufactured a great many hundred miles west of where they are now. When will that happen? The answer is an easy one. You cannot give the precise year, but the west will cease to buy these things from the north-east, and they will produce these articles themselves, just when it ceases to be more profitable to the west to produce agricultural products.

The only safety for the manufacturing States to continue such, is to do all they can, — nature has done the greater part, but they can help a little, — to make agriculture highly profitable in the west and the south-west. If a man can make better wages by raising corn or pork, he will not set himself to work to manufacture woollen or cotton cloth; when he cannot make so much by raising corn or pork, he will make iron, and you cannot prevent him. All the legislation in the world cannot say to the west, you shall not manufacture; but legislation may do a great deal to say to the west, here is something more profitable for you than manufacturing; and the seats of manufacturing may remain for a great many years longer than they otherwise would, in the north-east. What, then, can the north-east do? Favor in all ways possible the development of the western agriculture. First by opening the roads to the north-east, to the east, and to the south-east, and to the whole Atlantic slope, by connecting them with the valley of the Mississippi in the cheapest and most practicable manner. And next, by developing, as far as possible, the foreign commerce; for that, by taking off the surplus of agricultural products, tends to keep up the prices. See how the prices of cotton, tobacco, rice, flour, and corn, have kept up, notwithstanding what is said in the report of the secretary of the treasury, and in the president's message. See how they have kept up for the last five years, compared with the previous four.

I do not mean to trouble the house at the present time with columns of statistics. I will give the total here of a few great articles, as I have them before me. Take wheat. The wheat exported from this country for the four years previous to the adoption of the tariff of 1846, averaged ninety-six and three quarter cents per bushel. For the last five years, it has averaged one dollar twenty-six and a half cents, — thirty cents higher. Well, now, is the secretary of the treasury and the president to come to this congress, and say to us, Wheat is low this year, and the tariff does not work well? Do they imagine congress cannot look back five years, and then over the four years preceding? Very short-sighted, it seems to me, the executive must imagine the congress of the United States to be, if he supposed they could not make the comparison that I have made. The comparison I have made with regard to wheat, I could make with respect to flour; $4.79 was the average price of flour; $5.59 is the average for the last five years. So with corn; so with meal; so with oats; and so with cotton. Six cents and eight hundred and seventy-three thousandths was the price of cotton for the four years previous to the tariff of 1846; nine cents and three hundred and fourteen thousandths for the five years since that time, — an increase of almost fifty per cent., — and yet it is said that agricultural products have not risen. Tobacco was $52.10, and now, for the last five years, it averages $64.18, — twelve dollars a hogshead higher than before. Taking this period of nine years, and the same observation would apply to almost all the exports. Almost all have *risen* under the last tariff, just as all *fell* under the tariff of 1842. And the reason is very plain. You cannot carry on a trade but shall have two parts. Every exchange must consist of a sale and a purchase. Stop your purchases, and you stop your sales; so if you will buy nothing on the other side of the Atlantic, you cannot sell any thing. Let commerce move freely, and you increase it vastly, and increase the price of whatever you have to sell, because you increase the power of the other party to buy of you.

Now, because I desire to see the commerce of this Union flourish, — its foreign as well as domestic commerce, — I wish to see every possible avenue open that will bring down the wealth of the west to freight the shipping of the east. I say there is a common interest between them, and he is an enemy to his country who seeks to divide that common interest. The only way in which the east can prosper, is by the prosperity of the west; for it is that which has swelled our navigation at a rate beyond parallel in the history of the human race. There is nothing like it. Talk of the progress of that of England, — it is not to be compared with ours. In 1830, you had 1,191,776 tons of shipping; in 1851, you had 3,772,439. You have trebled your tonnage and navigation in twenty-one years. Has England done any thing like that? Not at all. In 1846, the tonnage of Great Britain and her colonies exceeded ours by about 1,200,000 tons. How much does it exceed ours now? Not quite 500,000 tons, according to the last returns; not much more than 400,000 certainly; probably less than that, if we can make the calculation for the present moment. Their tonnage, on the 31st of December, 1850, was 4,232,962 tons, and it had increased about 180,000 in two years. It is now, February, 1852, about 4,330,000. Ours is at least 3,930,000, it would seem probable. Theirs is a very different mode of reckoning, and by which her tonnage appears larger; and in point of fact, you have at this moment a tonnage equal in its carrying capacity to that of Great Britain, with all her colonies. We find ourselves already the greatest carrying nation on the face of the globe. We have the greatest navigation. Shall we furnish that navigation with the means of existence, — with the means of flourishing, and bringing back the blessings which are countless and incalculable to this country; or shall we pursue a short-sighted, narrow, and restricted policy, which shall cut up by the roots our own commerce, and not our own commerce only, but our own manufactures; for so sure as we take the course or policy that shall depress western industry, so sure will manufacturing industry among us be doomed also? When the west cannot farm with profit, she will manufacture; but that will be an evil day for the west, in my opinion. I think that better things can be done in this world than the manufacture of cotton or woollen goods, or even of iron.

I have thrown out these ideas, and I do not know but that the house may think I am going too far in arguing this question; but it seems to me the great reason why the north-east is interested in opening avenues to the west, is her own prosperity, which is to grow out of increased intercourse. We have the means now of a foreign and domestic commerce capable not only of employing over three and three fourths millions of tonnage, but a foreign and domestic commerce capable of developing itself much beyond its present limits. What is the limit of our exports, and what has it always been? We shall have $100,000,000 of gold produced in California per year, as much a legitimate article of export as cotton, flour, pork, or tobacco.

And here I must be allowed to express my astonishment that gentlemen, well informed upon other subjects, — gentlemen who seem sagacious from the manner in which they argue other questions, should sometimes throw out the idea that the country is really suffering some great injury because gold is exported. What ought to be done with it? If the country produces $100,000,000 worth of gold in a year, is it desirable that it shall remain here? It would be the greatest of calamities if it should remain here. What will be the effect upon your currency? If you add fifty per cent. to your currency per year, — and you would add more than that, if you kept your gold, and issued paper in the usual proportion, — what would be the effect upon property, upon taxes, upon the relations of debtor and creditor, upon the whole framework and business of society? All your business relations will be thrown into a state of perfect anarchy. If you could succeed in keeping at home $100,000,000 per year, in addition to your already redundant currency, there would be a state of uncertainty produced in all business relations which would be as fatal to the prosperity of the country as the commercial crisis of 1837. The country would see a crisis upon a tremendous scale, altogether beyond the case of 1837. Fortunately you cannot succeed in keeping the gold at home, and deranging every thing here. No tariff, no restrictive laws, nothing conceivable upon the subject, could produce such an effect. When Spain adopted laws by which she punished with death the exportation of gold and silver, yet, inasmuch as it was worth more abroad than at home, and it could not be exported regularly, it was smuggled out of the country. And such would be the state of things here, if you were to make a law to-morrow intended to confine your specie here. If you passed your tariff to keep the specie in the country, punishing with death the man who exported it, the specie would go out of the country, because it would be extremely easy to get it out, and because the temptation to do so would soon become so very strong. I say, then, without stopping to argue this question of political economy at length, there is added to our former exports this vast sum of gold; and our imports ought to increase in proportion. Whoever sees cause for alarm, because we have imported $215,000,000 worth of goods within the last year, instead of the average amount which we used to import formerly, takes a very narrow view indeed of the position of this country, as compared with other countries with whom she carries on her commerce. It is cause for congratulation, and not alarm, and we should rejoice that our trade is extended, provided it is a legitimate extension, founded upon the means of purchase we actually have in our power. I see no evidence as yet that it has gone beyond that. I think the aggregate of imports and exports over $400,000,000 is entirely suited to the commercial means and wants of the country at the present day, considering the great accession of gold from California, and considering the great accession of available produce, from the opening of channels of communication with the west. If you can carry from Chicago to the Atlantic a barrel of flour for half of what it cost you a few years ago, of course it will be afforded cheaper at the seaboard, and there can be more exported. The means of transporting to the seaboard cotton, tobacco, and every article of agricultural production, have been so much cheapened in the last four or five years, that our commerce has been largely increased; and carrying this progress still further, and cheapening the means of transportation, will still further increase our commerce, in a still greater ratio than the commerce of the present day as contrasted with the business of twenty or thirty years ago. I can see no good reason why it should not go on increasing in a very great ratio, and yet be a healthy and legitimate business; though, of course, too rapid a progress is possible.

I had prepared myself with figures and statements by which to confirm the views I have taken, but I will not trouble the house with them. I know details are always less interesting here than general views. The state of things being such as I have indicated, it seems to me the northeast, as a section, should look carefully at the prospects of its manufacturing and commercial interests, and should inquire whether it is not the best thing that can happen for them, that men should be prosperous in the valley of the Mississippi, and that they should raise a great deal of corn, flour, and pork, and other products, and sell these articles at high prices. It is not their question alone. It is our question as much as theirs. They cannot raise at great profit, productions which they have no means of getting to market. Open the means for them to reach the market, and you open the means to return that which you purchase for them, or manufacture for them, through the same channel. What is the reason that has caused these manufactures of which I have spoken to increase as they have? What is the reason you have consumed some seventy or eighty millions of pounds of wool in a year? It is because the mass of the agricultural population of the country are so much better off, and they can and do purchase more of woollen goods, both imported and domestic. I do not hold, as some people do, that there is a direct antagonism between commerce and manufactures, but I hold that the true policy for the north-east, as well as every other section of the country, is that which considers commerce and manufactures as friends and allies, and which looks to the one to aid in developing the other. I believe that view is the one which ere long will be taken by the whole country without distinction of party. Why, the rapid progress in those branches of industry in the country, which sometimes come to congress and tell us how distressed they are, is beyond all parallel. Take your cotton manufactures. The census tells us that 641,000 bales of cotton were consumed in 1850. How many in 1840? Two hundred and ninety-five thousand. In 1830, it was 126,000. Here is a business which has grown up from 126,000 bales in 1830, — a small addition should be made for parts of the country not returned in the shipping list, — call it 24,000, and you have 150,000 bales in 1830. Take the progress for twenty years, from 150,000 bales up to 641,000 bales, and your cotton manufacture has more than quadrupled in twenty years. Terribly losing business to all those engaged in it during most of the time, if we can believe the perpetual outcry, although that branch of industry was increasing faster than almost any thing else in the country. Just so with other distressed branches of industry. They have always happened to be those branches which have increased most rapidly. What made people take capital out of branches of business that gentlemen contend are profitable, and put it into these losing concerns? It is a problem which would require a great deal of mathematical ingenuity to solve. The case of my iron friends — I mean the gentlemen from Pennsylvania, into whose souls the iron has entered of late years so cruelly — seems to be much of the same kind.

In 1810, the iron produced in the United States was 53,900 tons. In 1830, 165,000 tons. In 1850, 627,643 tons. I take the document upon which the secretary of the treasury founds his estimates, but not his estimate, for I am inclined to think there is a little omission, which I prefer to supply. 564,755 tons of pig iron are set down in the census returns. 33,344 tons of blooms are used in making wrought iron. Then you had 78,787 tons of ore used in making wrought iron, and 9,850 tons of ore was used in castings, making 88,637 tons of iron ore, the product of which does not appear in the shape of pig iron. Suppose three tons of this ore to yield only one ton of iron, and you get 29,544 tons of iron from this source, to which the secretary has no reference; making a total of 627,643 tons, against 165,000 tons in 1830, — a branch of industry which has nearly quadrupled itself in the last twenty years. Take it from 1830, reckoning down to the extreme point of depression in 1850, as I admit it is, and you still find it is quadrupled. I say, the only question for iron gentlemen to consider is, how can they continue this long career of prosperity, and not how they shall get something still greater, — not how they shall induce men to rush into the iron business again, as they did in 1846 and 1847, but how they shall enable the iron business to go on increasing as fast as it has increased upon an average for the last fifty years. If they can do that, they ought to be satisfied, and more than satisfied. So of the coal, too, which is spoken of sometimes as one of these distressed interests, which must be protected. In 1840, 865,414 tons were produced by Pennsylvania. In 1851, 4,091,682 tons were sent to market. It is these two interests of coal and iron which have made the most rapid progress, — which have always cried out the most lustily that they are terribly distressed. These great interests are to look now to an increased number and wealth of their customers. Our manufacturing interests, which are closely connected with the western interests, must sell to the west, and must buy of the west that on which they feed, and that which they export. Our great manufacturing interests have but one thing to ask of this nation; they ought to ask it, and in my opinion the nation ought to grant it. Instead of restrictions, instead of keeping out that which ought to go in; instead of taxing every man who wears a coat, a large sum of money, in order that the man who makes the coat may gain a very small sum of money; instead of doing that, the manufacturing interests should ask, that the restrictions which weigh heavily upon the manufacturing interests should be removed. We should say, let our raw materials come in free of duty. The effect upon the national treasury is as nothing. When the manufacturer of cotton prints in New England meets in Buenos Ayres, Halifax, or anywhere else, a manufacturer of English cotton prints, is it right that the English cotton printer should have his dye-stuffs, his alkalies, his acids, all his raw material free of duty, and ours be burdened upon all of them? It cannot be for the interests of revenue. In that view, it is but insignificant; but it tends to the destruction of great interests to do it. Instead of asking to shut out woollens, we should let in that out of which we make cottons and woollens.

Now, I take the single article of coarse wool. Why should there be a duty on coarse wool? Coarse wool cannot be produced in this country, so as to enter into our cheap manufactures, but it can be imported. Owing to the ingenuity of an American mechanic, you can make carpets of coarse wool. You can send Turkey carpets to Turkey and undersell the Turk; you can send Brussels carpets to Brussels, and carpeting of certain qualities to England, and undersell them all, if your own nation does not shut out the materials you have to use. Let coarse wool and dye-stuffs come in free, and there will not be a pacha or bey in all Asia Minor or Egypt, that will not have on his floor a carpet manufactured in the United States. I give that only as one instance. The same thing may be said of silk. Under the ridiculous notion that some day or other we may be able to manufacture silk from silk-worms, you shut out raw silk by exorbitant duties. Let raw silk come in free, and place your manufacturers on the same footing as English and French and Italian manufacturers. All our manufacturer wants, is open markets, — open markets at the west, open markets at the east, open markets to buy the raw material which he has to consume. But in vain will any of our friends in New England go on upon the old idea of restriction, and imposing taxes upon the nation to keep them alive. The nation revolts against any such impositions. They are henceforth impossible. But if they were possible, they would be found self-destructive, because they compel men to cease to raise agricultural products to export, and to do their own manufacturing at home. That is what it would end in, if we carried out the high tariff system to the extent that many men have desired. I thank the House for the attention with which they have listened to these remarks.

On February 26, 1851, in support of the bill to limit the liabilities of ship-owners in conformity with his wish to divest commerce of unjust hindrances, Mr. Rantoul said:—

I hope this bill will pass. The rule of common law applying to common carriers, which is very old in England, and which has been applied to ships, and applied so far as to cover the case now provided for by this clause, has been found to be intolerable in Great Britain. If there ever was a government on the face of the globe that adhered with pertinacity to her ancient laws, it is the British nation; and no change is made there without its being argued over and over again, and it takes years to force reasons into the mind of the British nation, for any change or improvement of the principles of common law. But this change is upon the face of it so required by the principles of justice, so required by not only the shipping interest, but the interests of all those whose goods are transported, that it has been brought about in Great Britain. They have made the alteration which we are now asked to make, and they have carried it further than this section of the bill carries it.

Well, Sir, the honorable senator from South Carolina (Mr. Butler) has told us truly that the British nation were a nation of ship-owners. That is true; but it is truer of us, for if the British are a nation of ship-owners and shipping interests, the United States are much more a nation of ship-owners. The tonnage of Great Britain, excluding the provinces, and taking the islands of Great Britain and Ireland, — the tonnage of the united kingdom of Great Britain and Ireland, — is a little over three and a half millions of tons. Our tonnage is considerably over that amount. The carrying capacity of our mercantile marine is vastly greater at this moment than that of Great Britain and Ireland. Our tonnage is larger, and under a different rule. A ship that measured one thousand tons under the old rule would under the new rule measure one thousand two hundred tons. You will find that our navigation employs a much larger marine carrying power than the navigation of Great Britain, — much larger; and they have their thirty millions of population, while we have but twenty-three millions; and yet we, with that twenty-three millions, own more shipping than they own. I am speaking of the islands of Great Britain and Ireland. Now, if they are justified in looking keenly and constantly to their mercantile interest, we are not only justified, but required to look much more attentively to ours; for it includes a greater proportion of our population and a greater proportion of our wealth than is the case with Great Britain. In some of the States of this Union the proportion of the shipping to the population is six times, — ay, in its actual carrying capacity pretty nearly seven times, — as great a proportion as that in Great Britain. This being the case, the shipping interest is an interest which this government is bound to look to.

But I am not going to rest my support of this bill upon that ground at all. I say we are bound to pass the first section — I intend to confine my remarks to that section — we are bound to enact this provision into a law, because every act that is done to benefit the navigation of this country benefits all the interests of the country in its ultimate effects, by its effects upon freights that are transported between this and other countries. How is the rate of freights determined? The senator from Kentucky (Mr. Underwood) has asked, and fairly asked, what is the effect upon his constituency? What is the interest of the grower of tobacco, corn, pork, and other agricultural products, in this action in regard to the shipping interests of this country? Now, if I were not satisfied that the interests of the great agricultural portion of the nation are concerned in the passage of this bill, I should care comparatively but little whether it passed or not, and if it could operate adversely to that interest I would oppose it; for although I consider the shipping interest a vast interest, still I consider that the agricultural interest is much vaster, and its welfare must be consulted by us in endeavoring to make the change that we are now proposing to make. The first mode in which we are to determine how this bill is to affect the rate of freight is, first to find out what supports, what determines the rates of freight. It is the proportion between the quantity of shipping to carry the freight and the quantity of freight to be carried. And how is that affected? Every thing that benefits your navigating interests, every thing that makes the freight of your merchants easier, cheaper, and safer in its carriage, will produce its beneficial effect. You cannot add a thousand tons to your shipping without bringing down the rates of your freight. You cannot impose upon your ship-owner, or allow to remain upon him, any liability without raising your rates of freight, or, at all events, preventing their reduction. The proportion may be very small; but so far as the effect goes it is an effect upon him whose freight is carried, but not ultimately upon the ship-owner. He first feels the benefit of this change; but how long does he feel it? Just so long as it takes to build more ships and restore the proportion between the profit made out of that trade, and the profit of other branches of industry and business. Capital seeks investment in the shape or shapes that are supposed to be the most profitable; and when you build more ships then down go the rates of freight, and tobacco, and pork, and corn are carried cheaper than before. Is there any escape from that reasoning? I am really unable to discover any.

Now, Sir, the senator from Kentucky has made one remark which I consider perfectly fair, and which I propose to apply to this question now before us. He says, how do we know this competition between our shipping and the shipping of other nations is going on disadvantageously to our shipping?—how do we know that they are enabled to underwork us, and how do we know that our shipping interests require this relief? When Great Britain discovered that her shipping required this relief, it was because she was afraid that other nations were underworking her; and what did she intend to do? She intended to increase the balance, and cause it to preponderate in her favor; and she intended to keep the advantage—and I do not complain of her; she had a perfect right to do so—she intended to enjoy the advantages which her shipping had over our shipping; and her acts, so far as they go, tended to give her shipping the advantage of ours. Now, are we to allow our ship-owners to be subject to this old and onerous rule, when another is found to work more fairly there? and are we to send our ships in competition with Great Britain under this disparagement? The competition now is a serious one, and your returns show it. Here is before me the table of clearances from our ports last year. The tonnage of American vessels is 2,632,000 tons, while the tonnage of foreign vessels is 1,728,000 tons, showing that there was about three fourths as much foreign tonnage as there is of domestic. They wish to underwork us. Why do these vessels enter our ports, bringing that which our American vessels might bring as well? Why do they carry away products that American vessels might carry away just as well, unless it is they can ship cheaper than we can? If they do not carry freight to precisely the same extent that we do, yet they employ three fourths as much, and I think that that three fourths is and should be a warning to us. It shows that there is a competition against which we ought carefully to guard; and in removing this burden from the American shipping, I think we do but an act of justice which is called for by the previous steps which Great Britain has taken, and called for, not only for the benefit of the ship-owner, but for the benefit of all those who will ultimately reap the benefit, — that is, all who are benefited directly or indirectly, by the importation of the freight, as well as the owner of the goods that are to be carried.

Well, Sir, it is said that the old rule of the common law is an old and venerable rule, and ought not to be broken in upon. Why, Sir, the reasons that led to the adoption of that rule were not commercial reasons. It was adopted and applied to common carriers upon land. Now, whether it is a just rule with regard to the common carriers upon land, I do not propose to consider. It is sufficient for this occasion to settle this question. The reason why this rule should be applied rather to carriers upon land, than the common carriers upon the water is, that the danger of breaking the rule is not the same in the one case as in the other. How is a ship-owner to endanger and risk the property of others, that he may have to carry without endangering his own property by the same negligence or want of integrity? How is he to do it without a risk of the destruction of his own property? How are his agents that are upon the ships, the master and crew, to risk the property of others that the ship-owner may have placed under their care, without great danger to their own lives? That is not the case with the common carrier upon the land. He can risk the property of others without there being any risk to his own person. No so with the ship-owner; for then his ships would be in danger. There is the ship Typhoon, Mr. President, that was launched last week in Portsmouth, your own State, (New Hampshire — Mr. Norris being in the chair,) which is worth $120,000. Will the owner of that ship put negligent persons, or fraudulent persons, upon board of her, who will allow her to be cast ashore, to be destroyed intentionally by fire, or in any other way to be exposed to danger? Is it an easy matter to allow a ship to be destroyed by fire on a foreign voyage, without risking the lives of those who, by their negligence or intentions, permit that destruction to take place? Now, here are so many reasons why it is quite safe to relax this rule in the case of ship-owners, when it may not be safe and advisable to do it in the case of common carriers upon the land.

There are other reasons which occur to me that would control my mind, if these were not sufficient to control it. But these few ideas I deem sufficient to give the reasons for my vote, and I have thrown them out — perhaps in doing so taking up as much of the time of the senate as I am justified in consuming, considering the short time that remains to us.

On the 1st of March, the same session, being called on to vote on the River and Harbor Bill, in support of the principles involved, Mr. Rantoul said: —

I will trouble the senate but a very few moments. The progress of time and the accumulation of precedents certainly ought, sooner or later, to settle the construction of the Constitution; and if there be any one clause upon which there has been a series of precedents all tending one way, it is that of the power to regulate commerce. If the construction of that clause, from the commencement of the government down to the present time, upon the Atlantic border, has been a correct one, I have never felt any scruples in applying the same principles to inland seas and rivers that have been applied to harbors on the sea-coast. But I agree that the object for which the appropriation is asked should be one of sufficient national importance to justify the interposition of the general government. It should not be local. The inquiry I make in regard to this subject is, whether these two objects — the Tennessee and Illinois rivers — are such objects as would justify the general government in interfering to improve the navigation? The Tennessee river, in any country but this, would be a river of the first class. It flows through three States. All has been said upon it that is necessary to be said. The Illinois is on the main channel of communication between the northern part of our Atlantic coast and the whole valley of the Mississippi. If you wish to send any merchandise from New York to Missouri by way of Chicago, you would send it down the Illinois river. If that which connects the basin of the lakes with the valley of the Mississippi be not national, there is nothing national in our territory.

The basin of the lakes is an area of a million of miles. You could put Great Britain, and the French republic, and Austria into it, and have room left for twenty of the little principalities of Europe. The valley of the Mississippi has very nearly as much more. If the channel that connects these two portions be not national, what can be? The commerce of two sections of the Union passes through this river. In 1837 it was surveyed by the officers of this government. The report of the surveys was published; so that senators have the means of informing themselves of the character of that river, and how far it is susceptible of improvements, and what improvements it requires.

I would go further into this subject, but I know that time is a great deal more precious than any thing I can say. Having given my reasons for my vote, I will say no more. I shall vote against striking out.

CHAPTER IX.

MR. RANTOUL'S OPINIONS IN RELATION TO SLAVERY AS IT EXISTS IN THE UNITED STATES, AND THE DUTIES OF THE CITIZENS OF THE FREE STATES IN REFERENCE THERETO, ETC.

Believing in the trustworthiness of the intelligence and virtue of the people as the foundation of free government, Mr. Rantoul was accustomed to appeal to that intelligence and virtue, as competent to give a satisfactory solution of all great political questions. He not only had no fear of discussion, but confidently relied upon it as the best guardian of liberty.

But why discuss the subject of slavery? is the fearful question of the panic-stricken. Why *not* discuss it? Was liberty worth all the battles and sufferings and blood of the revolution, and are millions of human beings who are denied the first and last of its blessings, entitled to no thought, to no commiseration? In relation to them, are the duties of freemen and free States never to be considered? or do all those duties consist in making heavier, tighter, and more galling, the chains of slavery? To the question, why discuss this subject? — what citizen of Massachusetts will not answer: because I am a man and have human sympathies and obligations; because I am a citizen of the United States, and answerable before God for my use of the power conferred upon me by the Constitution; and last, not least, because the fugitive slave law unconstitutionally invades and tramples upon the rights of my State and the rights of my person, by requiring me to be a slave-catcher, and thus extends the dominion of slavery over all the free States, — enjoining a service more despicable, more slavish, more offensive to the dignity of a freeman than any other, — that of seizing the fugitive from bondage and forcing him back to chains and fetters. Does the Constitution of the United States, rightly interpreted, thus make slaves of us all? or have two or three hundred thousand slave-holders the constitutional power to make twenty millions of their fellow-citizens their servants in such work as this? It is discussion alone that can peaceably settle these questions, or any other questions of human right and duty. Free thought, uttered in free speech, is the true and only conservative power of the Union, and of human government.

The existence of slavery in the United States, fostered and established by the avarice of Great Britain while they were colonies, is the greatest reproach and misfortune to those sections of the country where it prevails, and is a most shocking inconsistency with the republican institutions and the legalized principles of freedom, which, in every other respect, constitute the glory of the Union. That slavery was introduced, extended, and encouraged by the cupidity and injustice of the mother country, cannot justify the laws which tend to perpetuate its evils. Those evils are inseparable from its nature. They are a constant outrage upon the most sacred rights of humanity. That which reduces man to the condition of a beast of burden, or of a senseless and irresponsible machine, is a most hateful despotism, an intolerable cruelty. The consummation of all the wrong which one man can do to another is to make him a slave.

In the free States, these sentiments in relation to slavery are almost universal, and in the slave-holding States, not uncommon. Even Henry Clay, but for whom slavery would have been confined to much narrower limits than now mark its dark domain, said, "standing as it were on the brink of eternity," "I shall go to the grave with the opinion that it is an *evil, a social and political evil*, and that it is a *wrong* as it respects those who are subject to the institution of slavery," and that "to extend it where it does not exist, is to propagate *wrong*." Happy for him, happy for his country had these sentiments, so solemnly announced in his last hours, had their just influence over his former actions as a public man. What stronger terms could Mr. Rantoul use to denounce the extension of slavery? The principal difference between him and Mr. Clay is, that Mr. Rantoul, through his whole political career, acted consistently and fully up to his convictions of duty. He never made professions which his actions did not justify. From the path of political duty, which he had marked out for himself, he never swerved. His opinions on slavery were matured long before he was a candidate for office; they were the same in 1834 and 1852. This position is perfectly demonstrable from his own words. In September, 1835, he said:—

> The war against fanaticism still rages with unabated violence in the South; the papers from that quarter are filled with the bitterest denunciations of the abolitionists. The public meetings in the southern cities and also the journals seem to unite in calling upon the north to put down the abolitionists by force, to put down the discussion of slavery at any rate; but we hope the North will do no such thing. Upon no one constitutional question, we believe, are the people of the North so unanimous, as upon the great question that now excites so much public attention. A vast majority of the people of this section of the country hold it to be a subject with which they have no right to interfere, but properly, legally, and entirely within the control of the slave-holding States themselves; and any arbitrary proceeding on the part of the North as subversive of liberty, of the Union, and of the Constitution. For evidence of the correctness of the above opinion, we have only to recur to the proceedings of the meetings that have been held in many of the large northern cities for the purpose of counteracting the movements of the abolitionists.
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> But while we of the North pledge ourselves to abide by the Constitution, in regard to the rights of the slave-holder, we will not violate that sacred charter of liberty to comply with the ungenerous demands of our southern brethren, to shackle the press, to prevent discussion, by any other force than that of the sound and healthy action of the public mind. The abolitionists have as much right to properly express their opinions as those of a contrary opinion have to express theirs. Error can be best overcome by leaving truth free to combat it. The moment persecution commences, the object of hatred will extend itself. The only proper and legitimate means, which can be employed, and which would be salutary, is the great moral influence of public opinion. Let

that have time and opportunity to work, and the clouds that now lower about our heads would soon be dispelled, and the Union would yet be seen unshaken, unbroken, and unharmed."

Would a demagogue, a disorganizer, a destructive, have announced these calm, rational, and truly American views of a great question which was agitating the whole country? Would a man disposed to set his sail to catch the fierce hot breath of party, irrespective of consequences, have spoken thus? On the other hand, could any one have appealed to what remained of sober reason in the community with more earnestness or effect? He spoke calmly, as an American patriot, concerned for the peace of the country, and the observance of the relations of brotherhood and common citizenship, existing between the people of the northern and southern States. He reproved the rash proceedings of the abolitionists at the same time that he claimed and vindicated for them, and for all men, the right of free inquiry and discussion, not only of the question of slavery, but of any other that might arise as to the duties of freemen. It was for vindicating this right, which he deemed so valuable, seventeen years ago, and which he never relinquished, this right, this birthright of every American, it was for this, that, in a national convention of pretended democrats, he was denied even a hearing, and was atrociously ostracised, with more precipitancy and injustice than ever marked the proceedings of an Athenian mob. But of that injustice more will be said in another place.

In 1838, after having been nominated for a seat in congress by the democratic party in Essex South District, a convention of anti-slavery citizens of the county assembled at Danvers in October of that year, and through their committee submitted to Mr. Rantoul the following questions, to wit:—

"1st. Are you in favor of the immediate emancipation of the enslaved, in the District of Columbia, and in the Territory of Florida?

"2d. Do you believe Congress has power to abolish the slave-trade between the States, and are you in favor of the immediate exercise of that power?

"3d. Are you in favor of such additional legislation, as may be needed to secure the immediate and effectual prohibition of the slave-trade between the United States and Texas?

4th. "Do you think it would be the duty of a member of the next congress, to take the earliest possible opportunity to make, and to sustain, a motion to instruct the committee on the District of Columbia, to bring in a bill for the immediate abolition of slavery and the slave-trade, in that District; and if this fails, to himself bring in a bill to that effect; and should this be ineffectual, to seize every proper opportunity, under the rules of the house, to urge this question upon the consideration of that body?"

MR. RANTOUL'S REPLY.

Gloucester, Nov. 3d, 1838.

Gentlemen: — Yours of the 24th ult. was received by me on the 29th. I reply at my earliest leisure.

Considering the circumstances under which your letter comes to me, I think it proper to observe, that I neither expect nor wish to receive votes for congress from any of my fellow-citizens who do not approve of my general political course, merely upon the strength of any opinions I might now express. The only pledges for any man's future conduct as a public servant, which are at all worth having, are those resulting from his known character; and that character is to be judged of solely by his past conduct, and *not* by his professions.

I have been nominated for a seat in congress by the democratic party in Essex South District, and I have a right to expect the suffrages of that party, and of that party only.

By the democratic party I understand the party of progress and reform, of faith in man's high destiny, and hope and trust in those blessed promises of general and lasting improvement in the condition of the whole human race, which the spirit of our age holds out, no less than our confidence in a wise and good Providence confirms them.

Democracy is the party of equal rights, equal laws, equal privileges, universal protection. Its foundation rests upon the eternal principles of equity and justice. Its creed is in the ordination of Providence, the constitution of nature, and the wisdom of revelation. Its rule of legislation is the greatest good of the greatest number.

As such, it is contradistinguished from the party which resists all improvement because it is innovation; which has no faith in the people, no trust in their honesty, or in their capacity for self-government; which instead of looking forward with a well-founded hope, is forever bewailing some imaginary, general, impending *ruin*, "prophets of woe, forever boding ill," who in the issue of every political contest that terminates in a popular triumph, anticipate nothing but the destruction of our institutions, the blasting of all our cherished hopes, and the extinction of our liberties.

The party opposed to the democracy is that which vindicates assumed "vested rights" to do wrong, which passes and defends laws for the benefit of the law-making faction of the day, which grants exclusive privileges, and protects the few against the many. That party dares not follow equity when it comes into collision with existing interests, or justice, except when consistent with established precedents. Its creed is man-worship, and it receives its doctrines implicitly from selected oracles. Its rule of legislation is the interest now of the mercantile class, now of the manufacturers, now of the great planters, now of the great capitalists, never of the masses, never of the whole people.

It is in conformity with the principles of the great party of which I am a member, that I have always viewed the interesting subject of slavery, and the collateral questions connected with it.

Slavery is a subject open to the fair discussion of the whole world, as much so as any other subject of general interest. Not only so, but it is, and will continue to be, freely discussed, no matter how numerous or influential may be the party who wish it to be passed over in silence. The present literature of England, France, and Germany, indeed of the whole civilized world, is full of eloquent denunciations of domestic slavery, which must circulate, be read, and produce their effect on the minds of American scholars, whether we will or no. Of course, in the several States in this Union, upon whose condition this institution and its consequences must exert a very serious influence, the subject excites a more intense interest than in Europe, and will be, and ought to be, more earnestly discussed.

The question of the right to discuss this subject publicly was agitated in the Massachusetts Legislature a few years ago, while I was a member of the popular branch. His Excellency Governor Everett having in his message suggested that such discussion might be a misdemeanor at the common law, under certain circumstances, punishable by fine and imprisonment, this suggestion of his Excellency, together with a communication from the State of South Carolina proposing still heavier penalties for that and kindred offences, was referred to a committee of which an honorable senator from this county was chairman. Some citizens of the Commonwealth, to whom this imaginary crime of his Excellency's suggestion, might have been imputed, appeared before this committee to show why they should not be fined and imprisoned according to the suggestion of his Excellency, or liable to severe punishments as suggested from South Carolina. While one of these citizens, a scholar and a gentleman, a man of talents and of worth, was proceeding in his argument, to my astonishment, he was interrupted and silenced by the chairman. This act became the occasion of a debate in the house next day, and while several members of the more aristocratic portion of that body defended the conduct of the chairman, the farmers and mechanics from the country generally, and all the more democratic members, openly condemned the outrage. In this debate I took an active and decided part, going as far as the farthest, vindicating the free right of thought and speech, with as much zeal, if not as much ability as any man who at that time expressed his opinions.

The constitutional right of petition has also been called in question in the course of the discussions arising out of the subject of slavery. In the year 1835, a petition was presented to the house of representatives from a citizen of Charlestown, and a scene ensued in which this right was grossly violated, though without any reference at that time to the subject of slavery. The petition or remonstrance from Charlestown, protested against any further imposition of tolls on Warren Bridge, and was drawn up with great ability and force of argument. I had the honor to present it, and at the request of the chair, I read it to the house. No sooner was the reading finished than a motion was made "to throw it under the table." Of this motion the chair very properly took no notice. After some angry comments from the party which defended the Charles River Bridge monopoly, a motion was made "that the petition be not received." Against this motion I argued with some indignation, taking in my hand the Constitution of Massachusetts, and reading to the house the provisions intended to secure to all our citizens the sacred right of petition unviolated. That my denunciations and entreaties, for I made free use of both, produced no greater effect on self-interest and the spirit of faction, was partly owing to their obdurate character, and partly to want of oratorical power on my part, but not by any means to any want of earnestness and sincere zeal. The motion "that the petition be not received," was adopted by a very large majority. Every democrat in the house, so far as I could ascertain, voted against that motion. The vote of the delegation of the city of Boston, I believe, was unanimous for the motion. Justice requires me to add that several of those gentlemen have since grown wiser; as I had occasion to remind them in 1837, and again in 1838. I have seen no reason to change any of the opinions which I have expressed in the house, either on the right of petition, or on the right of free discussion.

The institution of slavery, in common with the whole North, and a large proportion of the most intelligent of the South, including many of their most admired patriots and ardent democrats, I mean Thomas Jefferson and others of his school in politics, I have always regarded as a curse upon this nation, and particularly on those States within whose limits it exists. If God made of one blood all nations of the earth, slavery is an outrage on human nature. If the product of one's toil is the surest inducement to industry and economy, slavery is sure to blast with barrenness and poverty the land which it tills. If the onward progress of civilization and Christianity is not to be arrested before their mission is half accomplished, slavery is destined to disappear from the earth.

It seems to me that no man can have studied the history of his race, on whose mind any doubt remains of the correctness of these principles. The proof of their truth is written, in letters of light, on every page of the record.

My views of the manner in which this great national evil ought to be treated, are somewhat modified by the opinions which I hold, in common with all other democrats, on two important points of political doctrine, which I will try to explain so clearly that it shall be impossible to misunderstand my meaning.

1. As to the character of the Constitution of the United States. I hold the government of the United States to be a government of *very* limited powers. In the language of Mr. Jefferson, in his official opinion as secretary of State, against the constitutionality of a United States bank, dated February 15, 1791, "I consider the foundation of the Constitution as laid on this ground, that 'all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.' (Tenth Amendment.) To take a single step beyond the boundaries thus specifically drawn around the powers of congress, is to take possession of a boundless field of power, no longer susceptible of any definition." (Jefferson's Writings, Vol. IV. page 523.)

The Hon. Henry Clay, in his argument against the constitutionality of the United States Bank, in 1811, remarked, that "the great advantage of our system of government over all others, is, that we have a *written Constitution*, defining its limits, and prescribing its authorities; and that however, for a time, faction may convulse the nation, and passion and party prejudice sway its functionaries, the season of reflection will recur, when calmly retracing their deeds, all aberrations from fundamental principles will be corrected. But once substitute practice for principle; the expositions of the Constitution, for *the text* of the Constitution; and in vain shall we look for the instrument in the instrument itself. It will be as diffused and intangible as the pretended Constitution of England. I conceive, then, Sir, that we are *not* empowered by the Constitution, nor bound by any practice under it, to renew the charter of this bank."

By the same test by which Mr. Clay then tried the bank, I would try every question of congressional legislation, by "the text of the Constitution;" and if I should find that "we are not empowered by the Constitution" to adopt any measure, no matter how desirable that measure might be in itself, I should stop short at the threshold, and enter not where the Constitution did not bid me enter: not only because the last hope of human liberty depends upon the question, whether a written Constitution can be preserved inviolate, whether the people can fix limits to the powers of their government, and cause those limits to be permanently respected; but also because no man takes any part in our State or national legislation, who has not first sworn a solemn oath to support and defend the Constitution of the United States, — an oath which I have often taken, and from which there is no power on earth that can absolve me. I should protest, therefore, against any action by congress on slavery, or any other subject, which was not clearly warranted by the strictest construction of the Constitution.

2. The other point, to which I call your attention a moment, is the value of the Federal Union. So far as I can look forward, the preservation of the Union seems to be a necessary condition to the preservation of our liberties. There is a vicious tendency in every national government to augment its powers, and enlarge its sphere of action. Whatever promotes this tendency hastens the downfall of popular institutions, and the creation of an arbitrary power upon their ruins. Checks upon this tendency are the bulwarks of freedom. Now, I am satisfied that the impossibility of maintaining free governments in Europe has arisen from the frequency of war, and the constant liability to war among the neighboring nations. Mutual jealousy compels them to keep up vast standing armies, to raise immense revenues to pay them, to incur debts mortgaging the industry of future generations for the expense of killing their fathers, like the debt of Great Britain, nearly equal to all the specie on the face of the globe; and presiding over all this stupendous machinery of slaughter, and wielding this patronage, and these expenditures, and administering this national debt through a national bank or some such mighty engine, proudly rears itself *a strong government*, and tramples beneath its feet the rights of the people.

We owe it to our Union, that we are safe from these abominations.

The Union once broken up, standing armies, crushing taxes, a debt like a maelstrom, swallowing up the resources of the nation to defray the interest; government patronage sufficient to spread corruption into every village and hamlet in the country; all these must follow in every one of the new nations to be formed out of the fragments; and as the necessary consequence of all these, governments too strong to be controlled by any practicable checks to be set up against them.

In the treatment of this question, therefore, wisdom and discretion are no less necessary than courage and determination. It is a generally received rule of morals, that a man must be held to intend the known, necessary consequences of his actions. One who should act upon a contrary supposition would be considered insane. While therefore, the Union is to be regarded as the palladium of our liberties, he who should so conduct an ill-advised and unsuccessful attempt to liberate three millions of human beings, as to rend asunder the Union, and thereby bring down upon fourteen millions educated to the enjoyment of freedom, the miseries of political slavery, destroying the noblest fabric of free government that human wisdom ever erected, would incur a fearful weight of responsibility, leaving out of the account the gloomy possibility of civil and servile wars, with their manifold and varied horrors.

Where such momentous interests are at stake, it is manifest that they are not to be touched with a rash hand. The soundest judgment must be exercised, the highest order of statesmanship the country affords will be put in requisition to grapple with these complicated dangers. With these remarks, I proceed to answer your queries.

1. The entire power of legislation over the District of Columbia being ceded to the United States, they have the same power over slavery in the District that the State of Virginia has within her own limits; and no one doubts that the sovereign and independent State of Virginia can abolish slavery within her boundaries whenever she chooses.

Indeed there has long been a large proportion of the most intelligent men both in Virginia and Maryland, who have looked forward to the abolition of slavery in their respective States, not only as perfectly within the power of these States, but as likely to be, at no distant time, achieved. There have been many very decided indications that this hope is well founded.

Slavery ought not to exist in the District. So long as it exists there, it will endanger the existence of the Union by the continual irritation it cannot fail hereafter to occasion. The legislative power being in congress for the District, northern men feel that it is with their consent that slavery is continued there, and this conviction they cannot avoid, except by taking all proper measures for the removal of the evil. All proper and practicable measures ought therefore to be taken to remove it, not only for the general reasons which it is not necessary to enumerate, but also because the continual, and every year more dangerous altercations, which its presence occasions, will cease when their cause is removed, and never before.

Congress has also the entire legislative power over the territories. Those who look upon slavery as a great moral, social, and political evil, ought not to contribute directly or indirectly to enlarge its limits, increase its miseries, or augment the number of its subjects. It would have been already circumscribed within much narrower limits than it now occupies, but for the malign influence exerted by one man, the Honorable Henry Clay, some eighteen or nineteen years ago.

2. The power to regulate commerce among the several States, is given in the same clause and in the same terms as the power to regulate foreign commerce. The third clause of section eight, article first, provides that "congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Under the power to regulate commerce with foreign nations, congress have already prohibited the African slave-trade; and under the power to regulate commerce among the several States, congress may equally prohibit the slave-trade among the several States.

As this trade tends to prolong the existence of slavery in several States where slave labor is comparatively unprofitable, as it tends to augment the number of slaves in the States where their labor is more profitable, as it heightens the evils inseparable from slavery, by suddenly breaking up the ties of acquaintance, connection, and relationship; for these and many other reasons, it ought not to be sanctioned by the general government, but all judicious and practicable measures should be adopted to cause its discontinuance.

3. I am in favor of prompt and efficient measures to secure the discontinuance of the slave-trade between the United States and Texas.

4. Your last question I do not think it necessary to answer in detail. I hold it to be my duty to act in every situation, according to my deliberate judgment of right and wrong. The precise line of conduct which I ought to pursue in any given case, I choose to be left at liberty to determine, with all the light I can derive from observation, reading, discussion, and reflection, previously to the moment of action. This liberty I shall not surrender, unless on any question, I should be specifically instructed by a majority of my constituents; in which event, I should vote according to their instructions if I could conscientiously do so; otherwise, I should resign.

I have given you frankly my present opinions; I will only add, that as they have not been hastily adopted, they will not be lightly relinquished.

Respectfully, gentlemen, I have the honor to be
Your friend and fellow-citizen,
ROBERT RANTOUL, JR.

To Messrs. E. Hunt, Wm. B. Dodge, and others, committee, etc.

THE FUGITIVE SLAVE LAW.*

MR. PRESIDENT: — The convention which I now have the honor to address, was called, as I suppose, at my suggestion. The reason why I desired of the district committee of this district that the democratic voters of this district should be called together, and that I might have an opportunity to address them, was one which, I think, will meet the approbation of you all. It was, that since the period when I was first nominated to represent this district in congress, a very material change has taken place in the condition of affairs. One change was this. I have had the honor to be nominated for congress again and again, when I supposed there were very few persons who believed there was any probability of my election. A law has now been passed which makes it certain that some person must be elected to represent this district in congress. It is called the Plurality Law. Therefore, as we now know we are not to pass through trials without end, but either at the election on Monday next, or on the succeeding one, some person will be elected, it therefore becomes a different question as to what ought to be done.

There has also been a change with regard to other great questions. The great question of slavery has now assumed a particular shape, concerning which it is now necessary to declare an opinion. So long as that question was floating in uncertainty, so long as it was connected with subjects which were changing day by day, it might not be desirable that a public man should state his opinions. But at last this question has assumed a definite shape. It has presented a distinct issue, an issue reaching back to fundamental principles. And I did in my conscience suppose, that the democratic voters would desire to hear from me, before they should deposit their votes at the election of Monday next.

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* Speech delivered before the Grand Mass Convention, holden at Lynn, Thursday, April 3, 1851.

Supposing that all the democratic voters desired to be acquainted with the views of their candidate, one of two courses was necessary to be adopted; either in writing to present my views to the citizens of this district, or to invite the democratic voters to come together and meet me face to face. I have preferred the latter, because I can speak more freely than I can write, (though that is a personal consideration,) and because if I address my fellow-citizens here, those who wish to hear me can come, and those who do not wish to hear me can stay away.

I am now ready to proceed to make an exact statement of my opinions, — a statement so unequivocal, that there shall be no mistake about it. I intend to make a distinct and unequivocal definition of my ideas of what seems to be the most important issue now before the country. And when I have done so, — for I want to lay down a distinct proposition upon this subject, — I shall then say to my friends of the democratic party, who are here present, Gentlemen, you have supported me as your candidate through a good many trials. It has come to my ears lately, that there are some persons who claim to belong to the democratic party, who would not be satisfied if I made such declarations as I now intend to make. I desire that if there be such gentlemen present, they may have an opportunity to show themselves, and to declare their purposes, and, if they constitute a majority of the democratic party, that they may substitute some other candidate in my stead. If the democratic party here present, after having heard the views which I shall express on this subject, shall choose to make any other arrangement than the present, with regard to the congressional election, either for the reason that I have suggested, or for any other reason, for any grounds, I care not what, then I shall only have to thank them for past favors, and go into the battle as a private soldier.

In explaining one's ideas before the people, it seems to have become quite the fashion, of late, to go back so far as to swear fealty to the Constitution and the Union. I will follow that fashion. I am attached, and as devotedly attached as any other man, to the Union of these States, and to the Constitution of our government. I believe the Union to be at the bottom of almost all the other political blessings that we enjoy. I believe the Constitution to be — not perfect, as nothing proceeding from human hands is perfect — but as nearly and as reasonably perfect as could have been expected at the time it was made, as could be expected if it were made now, and even better than if we were to make it over again.

But when I say that I admire and love both the Union and the Constitution, it is because of that which they secure to us. The Union is great, I might almost say it is the greatest of our political blessings, because it secures to us what was the object of the Union. And the Constitution is good, and great, and valuable, and to be held forever sacred, because it secures to us what was the object of the Constitution. And what is that? Liberty! And if it were not for that, the Union would be valueless, and the Constitution would not be worth the parchment upon which it is written.

Why do we value the Union? Because it secures our national independence and the independence of the several States; because without it, there would exist a number of petty States, which would be, as they are in Europe, exposed to perpetual wars with each other and with their neighbors. We should be obliged to keep up a standing army, and should be quarrelling with each other, as the petty German States have done for ages. With all that, your national independence would be, if preserved, continually in hazard, but most probably could not even be preserved. And out of that condition of things would grow, most probably, a contest of small States with great ones; and the independence of the weaker ones would be sacrificed, while the greater ones would rule over them. Against all that, the Union guarantees us. It guarantees to us independence. What is independence? Have there not been the most cruel despotisms on earth which were independent nations? Our independence is valuable because it preserves our *liberty;* and the Union is great and glorious because it preserves our independence, and thereby our *liberty.*

I love the Union and the Constitution, then, not for themselves, but for the great end for which they were created; to secure and perpetuate liberty, not the liberty of a class superimposed upon the thraldom of groaning multitudes, not the liberty of a ruling race cemented by the tears and blood of subject races, but human liberty, perfect liberty, common to all for whom the Union and the Constitution were made, to the whole "people of the United States," and to their "posterity."

It is because I believe all this, that I love the Union and the Constitution. And if I did not believe this, I should go back to my pilgrim ancestors and take a lesson from them. When they came out from the old world, and left their country which they loved, and the Constitution of Great Britain which they loved, (for they expressed their love for it in all their writings, speeches, and deeds,) though they loved their country and its Constitution, they loved something else more than they loved their country. They loved liberty more. "*Patria cara, carior libertas.*" Interwoven with every fibre of my heart is the love of my country; but freedom is the charm which endears and consecrates her; and if the spirit of liberty should take her flight from my native land, my love and worship are not due to brute clods and rocks, to her prairies, or her mountains; but where liberty dwells, *there* is my country, and there *only* is my country! Dear to my inmost soul are the Union and the Constitution; but God-given liberty is above the Union, and above the Constitution, and above all the works of man.

The **President.** That is the true higher law.

Mr. **Rantoul.** These ideas are not at all new with me. They are not taken up on account of any present position of public affairs. I see before me quite a number of gentlemen who were present eighteen years ago, when I had occasion to discuss the value of the federal Union. I then took the same view of the value of the Union and the Constitution that I take now. I valued them then, as I value them now, because of their great purpose. So long as they accomplish that purpose, so long are they the highest political blessings. And if they ever cease in the providence of God to accomplish that great purpose, they become worthless; they may become even a curse.

Washington, in his invaluable legacy of practical sagacity, the farewell address, held the same view of the relations in which the Union, the Constitution, and the great principle of liberty stand to each other. It is because of our love of liberty, that we do love and ought to love the Union and the Constitution. He gives to the view which I have just taken the full sanction of his mighty name. He declares "The unity of government which constitutes you one people" to be "*justly*" dear to you, because "it is a main pillar in the edifice of your real independence," and "of that very liberty which you so highly prize." He tells you that by this Union the several parts avoid much of the liability to, and the danger from wars with foreign nations, and domestic "broils, and wars between themselves;" and though last, not least, "the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty." "In this sense it is," says he, "that your Union ought to be considered as a main prop of your liberty; and that the love of the one ought to endear to you the preservation of the other." It is because I receive into an undoubting heart these parting lessons of that apostle of liberty, who was the founder of our Union, and inaugurator of our Constitution, that I venerate his work, and cling to it, as to the ark of our political salvation.

Living in this faith, and desiring to live up to this faith, I so exhibit my fidelity to the Union, and so exercise my devotion to the Constitution, as will best promote the ultimate purpose of the Union and the Constitution, the cause of human liberty. Were I knowingly to swerve from this straight path, but by the division of a hair, I should be so far false to the glorious mission of an American citizen, and to the obvious duty devolving on a Massachusetts man. Every son of our ancient Commonwealth, who swears to support her institutions, becomes, by that fact, a soldier sworn upon the altar of freedom. My influence, I know, must be but limited, and my sphere of action humble; but this does not affect the nature of my obligations. The degree of power which a man may be able to put forth is determined by God, in the original constitution of his faculties. He is justly deemed responsible only for the tendency in which they may be directed. The tendency of my steps this day is to tread the path our fathers trod, *the path of freedom and progress.* My hope and trust is to hand down to posterity, not only unimpaired, but strengthened and augmented, all the safeguards of liberty, which, through many ages of long suffering, the toil of patriots earned, and the blood of martyrs hallowed, and which the fathers of the American Revolution died believing that they had secured forever.

It is not any new-fangled doctrine that sets up the means above the end, and says that the parchment is the inestimable treasure, and that the object for which that Constitution was made is to be forgotten; that the object which our fathers went through a seven years' war to accomplish, is to be neglected, — it is no such new-fangled doctrine that I maintain. I contend that the declaration of independence, the Constitution, and the Union of the United States are valuable, only as long as the purpose of them is valuable. But that these instruments are to be talked of as if they were intrinsically holy, and that the purpose which was in the souls of those that made them, as it should be in our souls to-day, is not to be spoken of without incurring the charge of fanaticism or abolitionism, — I go for no such new-fangled doctrines as those.

Liberty is the object for which governments are founded; and that government is best administered where the spirit of liberty is best preserved. If, then, this be the great object of the Union and the Constitution, and that which makes the Union and the Constitution dear, how is the government to be administered? how is the Constitution to be interpreted? There have been two great schools of politics in this country since the foundation of our government. To one of these schools I have always belonged. I think the maxims of that school essential to the durability of our institutions. It is not the expediency of party policy which seems to me to be involved. Two great fundamental principles, as to how the Constitution is to be interpreted, are involved. It is a question on which parties are now divided, and on which they always will divide, till the end of time.

Let us look at that question. The Constitution of the United States creates a government of limited powers. Are they to be held strictly to the limitations of that instrument? or are they to have a system of loose construction which will transcend those powers? That is the great question at the bottom of all our party divisions for sixty years past.

Now I hold, and have always held, that the Constitution of the United States is an instrument which is to be strictly construed; that the Constitution is the letter of attorney by which the members of congress are authorized to act, and that they are empowered to do nothing which it does not authorize them to do. That is my doctrine, and it is democratic doctrine. I ask of democrats some application of that doctrine. It is the doctrine on which the government stands, that the Constitution of the United States is to be strictly construed. Nothing is to be established by means of unnatural inferences. Was that the doctrine of those who made the Constitution of the United States?

The Constitution of Massachusetts says that the general court shall make all laws which are for the benefit of the people, which are not forbidden in that instrument. It says, the legislature shall not take away the trial by jury; it shall not abolish the *habeas corpus*. It forbids that which shall not be done. All else may be done by the legislature. This is the Constitution of Massachusetts.

The Constitution of the United States, on the other hand, says, this thing you may do; that thing you may do; the other thing you may do; and there it stops. To that, the government of the United States is to be strictly held. To prevent any misapprehension on that subject, let me say that it was well known that there was one school of politicians who considered that safety only consisted in following the example of their predecessors, that is, in following the example of Great Britain; who said that we must have a strong government, or we should be in the condition of the Germans, the Italians, and the Greeks, for a long series of years. And history seemed to be in their favor.

I do not wonder at their opinions. They said, "all these republican experiments have failed because the governments were not strong enough. You must not make the government too weak." And perhaps our government would not have held together if the people had not been more intelligent than those of the German States, or if they had been surrounded by strong nations at war with them. If we had had a nation in Canada as strong as France, and one in Mexico as strong as Great Britain, and should have been at war with them, or were constantly liable to war with them, perhaps our government would not have stood. It was not at that time to be expected that they should know how the thing would turn out, because it had never been written in history. They had seen no great successful republican government. But it is our own fault if we are not wiser by experience. I say that the school of politicians who thought the government was not strong enough did not intend to have a strict construction.

A gentleman once remarked to Alexander Hamilton, who was one of that school, that he thought the Constitution was a pretty good instrument. "It depends," replied he, "upon how you construe it." He was in favor of modelling our government somewhat after the English form. He thought that the minister of the treasury, and of foreign affairs, should step into our house of representatives as the premier of England enters the house of commons, and should there explain the intentions of the government and the relations of other countries to our own. Then he wanted a public debt, because Great Britain had a debt. He wanted a bank as Great Britain had a bank. And so on other points, he wanted the government as strong as it could be made. It is my opinion that he was honest in that view.

There was another party who took the opposite view. They said, it is true that confederations have broken to pieces; but there have also been many governments which have progressed until they became despotisms. They laid down the principle that government should not go one hair's breadth beyond the powers given to them. When the Constitution came up for adoption, many States refused to adopt it, unless there was strong probability that certain amendments would be adopted. One of them was thought peculiarly important. That amendment was subsequently adopted, and is now in my hands. It is the tenth article of the amendments to the Constitution of the United States: —

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The powers not given are reserved to the States, or to the people. When you ask whether a bill be constitutional or not, the first thing to be done is to look into the Constitution, and find the express grant therefor. If it is not there it is reserved to the States or to the people. That is the democratic doctrine.

Now was that Massachusetts doctrine? Most assuredly it was. Massachusetts had a good deal of democracy in her, in early times. When old Samuel Adams drafted this bill of rights, there was a good deal of democracy in him, and a good deal in the people. Here is the bill of rights, drawn up in 1780, showing what they thought then: —

Article IV. "The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and do, and forever hereafter shall exercise and enjoy every power, jurisdiction, and right, which is not or may not hereafter be by them expressly delegated to the United States of America in congress assembled."

What do they mean by "expressly delegated to the United States?" They say this, in so many words, in language that cannot be mistaken. This is what they meant. They meant that the government of the United States should not then, or *thereafter*, assume any power which the States had not expressly delegated to it. And well would it have been if that principle of the majority of the States of the Union had always been adhered to; it would have saved us a vast deal of trouble.

I belong, then, to that school which holds that the Constitution should be strictly construed, and its meaning strictly adhered to. And when I say this, I have at the same time a great veneration for all the compromises of the Constitution. We hear much of them. What are they? I sometimes hear people talk of the compromises of the Constitution in such a way that I think they would be much puzzled if they were to be asked what they are. There were compromises, the non-adoption of which would have prevented the Constitution itself from being adopted by the people. Leading members even went home in despair of effecting a Constitution acceptable to the people. And it was after they had gone, that certain compromises were adopted, which finally insured the acceptance of that instrument. What were they?

In many confederacies, ancient and modern, all the States entering into the combination had an equal number of votes. The small States insisted that that was the right way. They said, we shall be swallowed up by the larger States unless we can vote by States, as was done in congress under the confederation. I suppose it is well known to you, that the Convention of States was called together for the purpose of amending the old articles of confederation. They found, however, that they would not bear amendment. They scarcely made any attempt at amendment, for they ascertained that it was easier to make a new instrument than to repair the old one. In the old confederation the States were all equal. Delaware had as large a vote as New York. Luther Martin who led off this opposition, has left an account of it, and of his own action. The small States refused to come into the support of a combination, unless they could have an equal vote. And the convention came very near breaking up in despair of ever settling that distracting question. How did they finally settle it? By making this compromise; by saying, that in one branch the people should be represented according to population, and in the other the States should be equally represented! New York, Pennsylvania, Virginia, and Massachusetts, said to the small States, you shall be represented in the one branch according to population: and we will consent to be represented in the other branch by States. The large States were discontented with the equal representation in the senate. The small States were discontented with the great amount of power which the large States had in the lower house. This was, then, the first compromise. It was the great one, because this difficulty came nearer shipwrecking the whole government than any other, and because it was the most important.

There was another compromise, and it, too, was important. The immediate occasion of the formation of this government, grew out of difficulties of navigation chiefly in Chesapeake Bay and Delaware Bay. Great difficulties arose on account of the different commercial arrangements which were entered into by the several States. For instance, if Massachusetts laid duties, and Rhode Island did not, goods would be introduced, duty free, into Rhode Island, and smuggled over the line. Ten thousand difficulties were growing up between the different States on this account, and particularly between Virginia and Maryland, concerning the navigation of Chesapeake Bay. These difficulties led to the calling of a convention for the purpose of amending the articles of confederation. It was ascertained at once, that this could not be done. But finally a new attempt was made, which resulted in the formation of this Constitution. The attempt to regulate commerce was in fact what led to the formation of this Constitution. And they were obliged to make a compromise which we have almost forgotten.

There were some States which were agricultural States, raising tobacco and rice principally, as the cultivation of cotton was then hardly thought of. They were planting States. Then there were also certain States which it was then foreseen would be navigating and manufacturing States. The commerce existed then in some measure, but the manufacturing did not to any great extent. Now the agriculturists said, If we allow congress to regulate commerce, they will put duties on exports, and thereby shut off the sale of our products. They did not then think that the duties on imports would produce the same effect. They did not think at that time, as seems to be now a favorite notion with some, that the greater the weight of taxation, the better for them and for the people, under the plea that the greater duty would furnish the greater protection to our industry. Neither thinking of that, nor of the effect which would be produced by the taxation of imports, they insisted that congress should put duties on imports alone. The revenue on the importation of goods was of great value to New York and Massachusetts. They gave up that, and this bargain was made between the agricultural States on the one hand, and the commercial on the other, in which they agreed that exports should not be taxed, and that taxes on imports should be equalized.

Then came another compromise. They had not then thought that taxation on all the imported goods was to be regarded as a blessing. Therefore they had never anticipated that all the revenue necessary for the purpose of carrying on the government would be obtained on the imports. So strong was the feeling against raising a large revenue from imports, that when Hamilton made a report proposing five per cent. duties on some imports, he had to argue at great length to the effect, that though it was a terrible thing, we should submit to it, because it was necessary in order to obtain funds for the government. The taxes on imports, it was not apprehended, would ever be so high as to defray the expenses of government. On the contrary, they expected that the expenses of government would be defrayed by direct taxation. Then it became an important question, How shall taxation be apportioned among the people? "Why," said the men at the North, "according to population; and let everybody, white and black, be enumerated." "No," replied the South, "for here are our southern slaves who do not produce as much as your laborers. We ought not to be taxed according to population." And not only was there a compromise made on this subject, but they were ready to have their representation diminished by two fifths of their slaves, which was not much thought of at the time, inasmuch as they obtained as a recompense what was esteemed by them as a great boon, namely, the taxation, also in proportion to their numbers, omitting two fifths of their slaves. This was very much desired at the South and opposed at the North. And the South conquered. We now talk about taking off the whole of their slave representation. I do not know but that they would have been glad to have had the whole removed, if they could by that means have avoided taxation therefor. That was the point of view from which they then looked upon it. It was, as you perceive, then viewed very differently from what it now is.

In that compromise there was no reference whatever made to a slave, or to the condition of a slave. It is simply a certain mode of ascertaining taxation and representation. It was decided, that to certain persons who were described, they should add three fifths of all other persons, to obtain the basis of representation and direct taxation. The reason why that phraseology was adopted, was, that there existed a sort of secret dislike of the institution of slavery; a dislike extending to southern men as well as to northern men. Southern men aided in the formation of this Constitution, and in the adoption of this article. Southern men felt a sort of unpleasant sensation at the sound of that word slave, and of that other word slavery, and did not fancy the idea of introducing them into a document which was to live forever. They contrived to express their ideas, therefore, without mentioning those terms. It cannot be said that this was any compromise on the subject of slavery. It was a compromise on the subject of taxation. They put in something equivalent on the subject of representation.

There comes, then, another compromise, which is important. There were several smaller ones, to which I have not alluded. Those to which I have already referred, and that which I shall mention, are important. The remaining compromise is this:—

Art. 1. sect. 9. "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the congress prior to the year 1808."

Those who made the Constitution said that this importation should go on in such States as chose to carry it on, for twenty years, and that after that time the federal power may be exerted, and the slave-trade shall be stopped. Accordingly, when that period arrived, it was declared piracy. At the moment that the Constitution would allow congress to act, that moment congress acted. There was not the delay of a day or an hour. The slave-trade was forever prohibited. That is the last of the important compromises.

Now, when people talk about adhering to the compromises of the Constitution, referring thereby to certain other things which are not compromises, which are not the agreement of two parties, in which each gives way a little for the sake of that which it esteems a greater good, but to those other things which are not alluded to in the Constitution, I should like to have them define what they mean. These which I have mentioned, it is necessary to adhere to.

Therefore, I go on to declare as to certain other clauses, that there are stipulations which are to be construed. And I propose now to construe them.

I come to the fourth article of the Constitution of the United States. In that I find all that is found in regard to the delivery of fugitive slaves. And I intend to ask, What does that language mean? Construe it by the same rules according to which the other clauses are construed. In the first place, the first section of the fourth article of the Constitution of the United States says, "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." Every State shall give full faith and credit to the public records of every other State. Does this grant power to anybody? I see in the words that follow, what the makers of the Constitution thought on that subject. I see that they thought it did not grant the power to congress, because they add language giving the power. What I have read is no grant of power to congress. It is a prohibition to the States. It says, You shall not deny your belief in the truth of the public records of your sister States. If a court in South Carolina says a certain thing, you are to give full faith to it. That does not say that congress shall do any thing about it. And the people of the United States did not understand that congress had the power. The makers of the Constitution did not understand, from the extract which I have read, that congress had any power over the subject; and for this reason, that the close of the section gives to congress the power which would have been needless had the preceding language conferred it. "And the congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof." What need was there of adding this latter clause, if the first was a grant of power? You may read this Constitution through, and you will not find any words wasted. Every word means something. It was put there because it was necessary, and because the meaning would not have been there without it. I say, that that first clause did not contain a grant of power; and the men who put it there knew it. They first say, that faith shall be given; and then bestow on congress the power in relation thereto. The powers not delegated to congress are reserved to the States. That power would have been reserved to the States, if not given to congress in the last clause of this section. Can language make that clearer? I go to the next section.

Sect. 2. "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

Very well! A colored man in Massachusetts goes out from our ports, and goes into one of the harbors of South Carolina. They do not give him the immunities of the citizen of the State. Does any southern man contend that congress has the power to enforce that section? No! there is no power granted there. There is a declaration of a principle, but it does not say that congress shall possess the power to enforce it. Therefore they say that South Carolina may make what laws she pleases, and the United States government can do nothing to prevent it. They adopt one rule for this clause, and another rule for another clause in the same section. But do I say that congress has the power to enforce action in consonance with this clause, in the harbor of Charleston? No! I choose strict construction on all these clauses. I adopt the rule of strict construction in them all, and not a strict construction in one and a loose one in another.

The next clause is as follows: "A person charged in any State with treason, felony, or any other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime." Under that clause no serious difficulty has arisen. The States have given up criminals, and no State has of late years objected to it.

Then comes the next clause: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein be discharged from such service or labor."

To whom is that directed? To the States or to Congress? To the States! It says, "no person shall be discharged by any law or regulation of the States." That is a regulation addressed to the States and not to the Union. And then it goes on to say, "But shall be delivered up on claim of the party to whom such service or labor may be due."

In the case of a person charged with crime, the rule is, that he shall be removed to the State having jurisdiction of the crime. Now, if the first part of this section is addressed to the States, then to whom is the subsequent clause addressed? For it does not go on to say Congress shall make the laws, but it says you shall deliver up. How can any person contend that one is addressed to the States and the other not?

One clause says they shall not make laws, and the next that they shall deliver up. I say, that that last clause is as clearly addressed to the States as the first. And then I go back to the old rule laid down by our fathers, written by Samuel Adams in the bill of rights of Massachusetts, in which he says, "Every power, jurisdiction, and right, shall remain with the people, unless specially delegated to congress." Have these powers been delegated?

There is not, then, in this clause, a delegation of power to the United States government to pass any law about fugitives from labor. There is a direction that certain things shall be done, and that certain other things shall not be done. And that is directed to the States. A fugitive shall not, by any law or regulation of that State, be discharged. That is addressed to the State.

I come, then, to the conclusion to which the present head of the State department came, and which he announced again as late as March 7, 1850. I come to the conclusion that this section of the Constitution was addressed to the States. I quote Mr. Webster's opinion for this reason, that he has always gone rather further in favor of increasing the power of the government than the democratic party. Mr. Webster has gone further than we have. He has allowed a national bank to be constitutional. I might give other cases. His mind is of such a nature that it has a tendency to extend the powers of the United States government a great deal further than the democratic party have thought it right. I am not now criticizing his opinions in favor of enlarging the powers of the government. He has been a federalist all his life, belonging to a party who have been inclined to give great power to the United States government. It is not at all unlikely, that if the power had existed in the Constitution, he would there have found it. He says particularly that he thought it was directed to the States, and not to the general government.

The United States supreme court have made a decision to the contrary. That is a fact which stares us full in the face. In the case of Prigg *v.* the State of Pennsylvania, they decided that the States have no right to legislate for the carrying into effect of this section, but that the power thereof lies in congress. Perhaps it would not be proper for me, considering my profession as a lawyer, to argue the case against them. But I am not satisfied with the decision, or their reasons for it. And I believe it was a mistake. I believe, too, that it was a mistake, the whole consequences of which will not be seen for many years. I think they should have taken the ground the democratic party must take, (for they cannot come to any other conclusion,) and which Daniel Webster tells us was his opinion, that the language of this clause of the Constitution was addressed to the States.

Why, my friends, two sets of dangers have always threatened this government in the view of the people; one party has feared that it might fall to pieces; the other that it might become too strong. Which have we now most reason to apprehend? Is there any danger that our government will prove to be too weak? Originally, one fear was that they could not raise money enough to defray the expenses of the government. They did not think of obtaining a revenue by the taxation of imports to such an extent as to raise thirty or forty millions of dollars. They thought of one million, one and a half or two millions of dollars. Alexander Hamilton said that the government could not be carried on because men would not travel from Maine and Georgia, as far as Washington, for the purpose of participating in the affairs of government. Now it is not difficult to find men of the first order of talent to come even from California, if their mileage be paid.

The dangers that the general government could not enlist powerful men; that it could not raise money enough for its expenses, have disappeared in smoke and mist, and we can now hardly conceive of such dangers.

But the contrary danger is more and more a reality. There may be a continual accumulation of power by the general government. There may be such an increase of taxation as to crush the community. There may be a large standing army. Nobody thinks of any objection to adding a million or five millions of dollars for the support of the army or navy. But add a few thousand dollars to the salary of the judges of the United States, and there will be a great outcry about the lavish expenditure of the government.

I say, that the constant increase of power of the general government does seriously affect the interests of the community. If that be so, how is it to be cured? How is it to be prevented? For prevention is easier than cure. It is to be prevented by the strict construction of the Constitution. And this becomes every hour more necessary, not only because it will prevent the enlargement of the power of the government, but in consequence of the great extent of our territory.

If the government extended over New England only, there is a homogeneous people which might be easily managed. But when we come to have States like New England, States like the cotton and planting States of the south and west, with new and distant States like California, containing divers habits, religions, and so much diversity in all those things which make a people one people, then it is important that the sphere of your general government should not be extended into all sorts of matters. It should be restricted to its proper subjects. For instance, the regulation of foreign commerce. That is necessarily done by the general government. I am for carrying it a little further than some people. Knowing that it was the intent of the framers of the Constitution to carry it as far as necessity went, I am for carrying it far as that necessity demands.

And when the general government decided that this power could be exercised for the construction of lighthouses, the construction of piers, and for the removal of obstructions in the harbors of our eastern ports, and when I saw all that, I thought that it was a legitimate exercise of power. And I thought the same principle could be carried into the west, just as well as on the Atlantic coast. If that power will authorize the removal of an obstruction in New York harbor, it will authorize the removal of obstructions in the waters of the Mississippi. If it will authorize expenditures at Cape Ann, it will also authorize them in Lake Michigan. Give the west fair play. Let the government do what must be done; and then carry the principle out, so as to make it fair and equal for all sections of the country. But having done that, I would not allow the general government to go into any exercise of power which is not delegated to it. Since the decision of the case of Prigg, the States have thought they were not responsible for what was done. They have therefore in some cases refused the use of their jails, and the assistance of their officers, for the recapture of fugitive slaves. The United States government now go on and legislate.

It would be easy to illustrate, in a thousand ways, the evils that may grow in the future history of the country out of this disposition of the general government to encroach upon the rights of the States, — to show that the fears of Thomas Jefferson, and Samuel Adams, and Patrick Henry, and Elbridge Gerry, — fears of indefinite usurpation tending towards, and finally terminating in consolidated federal despotism, — may perhaps some day be realized. I prefer to take this precise evil in order to illustrate the effect of this tendency. A law which is made by a State, is likely to be suited to what is to be done. The State of Massachusetts knows what her people can bear, and what they cannot bear. But if a law is to be made contrary to the sentiments of any State, it will be impracticable to carry it out in that State.

How does that apply to the question of slavery? Just in this way! The retaking of fugitive slaves is to be carried out, if anywhere, in a free State. Slaves do not, when they escape, stop in a slave State. If fugitives are to be returned from any place, it is from a free State. When congress makes a law on the subject, it makes it against the very inmost sentiments of the souls of the people of the free States.

Is that a power likely by its exercise to tend to the perpetuation of the Union, by carrying out this law? I propose to perpetuate the Union by checking the power of the general government, by confining it within its legitimate sphere of action, to those concerns upon which it may act for the common good, without arousing indignation and hatred in one section against the other; sometimes driving South Carolina to the brink of rebellion by the galling weight of unjust and intolerable taxation, and sometimes outraging all that is honest and patriotic in puritan Massachusetts, by levelling, at a single blow, all those bulwarks of liberty, which barons bold and sages grave in the olden time, and the republicans who brought the Stuart to the block, with those who broke the yoke of the House of Hanover in later days, had labored, each in their generation since the twelfth century, to erect; which it is the proudest prerogative and boast of Great Britain that she possesses; and which constituted the richest inheritance that our fathers received from the mother island empire. I propose that the federal power shall lift its iron heel from the neck of Massachusetts, and return to its appointed duty, and circumscribed routine.

But we are told that these are measures of conciliation, measures of peace. Enforce this law, and we shall have peace and quietness, it is said. How? Is one third of the white people of the United States to dictate to the other two thirds, and call their submission peace? I admit that these slave interests may set one part of the country against the other. It may so happen that difficulties will take place in either case, whether you legislate according to opinions almost universal, and moral feelings deeply rooted, and sanctioned by the religion of nine tenths of the people of the North who possess either morals or religion, or whether you legislate according to notions which are common in all communities upon whom the institution of slavery has been entailed. But is it just as likely to cause difficulty when two thirds of the whole people of the country are irritated, as when only one third are irritated? I see no way of getting out of this difficulty, so straight-forward, so sure of its results, as it would be, if practicable, to go back to the old democratic principle, of the strict construction of all constitutional grants of power; and finding no such power delegated, finding that it is not so nominated in the bond, to say the United States government have nothing to do with this matter.

But, Sir, and gentlemen, as this subject is one of great interest, and as the manner in which it has been most commonly discussed is different from the course I have pursued, allow me to go one step further. If it be granted, which I do not grant at all, — if it be granted that the United States government has the right to make a law upon this subject, under the fourth article, let us inquire what sort of a law it gives them a right to make; for that is a matter of great consequence. A man charged with crime shall on demand be delivered up. That is the law. What have you to ascertain before you give him up? Simply that he is *charged!* That means, that he is charged by some responsible person, on what a lawyer would call good and probable cause; upon which charge, so far substantiated, the executive of the State from which it is alleged that he fled, demands him, by a formal written requisition.

Where shall he be tried? Where he is charged! It is a privilege to the party charged with crime, that he shall be tried where the crime is alleged to have been committed. This is inserted for the benefit of the person charged with crime. So that if a person be charged with crime, let him go back to the place where it is alleged that the deed was committed, for there he can most easily prove his innocence. This is based on a very ancient principle of the English common law.

The question to be decided is, Is the man charged? Does a responsible man who would be convicted of perjury if it were not true, swear that he committed the crime? If so, we will take his oath and send the accused man back. We will take the requisition of the executive as proof that such a charge has been made. He does not have his trial where he is found, but only his preliminary trial there. The preliminary inquiry in such a case may be accomplished by a summary process, for it includes little more than the verification of the authority under which he is demanded, and proof of the fugitive's identity. It is not necessary to have a jury in Massachusetts to try a man who is charged with having committed a murder in New York. You could not conveniently give him a fair and full trial here. You, therefore, go through a summary process to determine whether it is necessary to send this man back.

I go next to the succeeding clause. I know that the men who made this Constitution knew what they were about, and did not put a single clause here, or a single word here, without meaning. There is no book in the English language, of which the construction is so plain, as the Constitution of the United States. If a man comes to it with a sincere and honest heart, and will take the trouble to compare one portion with another, he cannot fail to come to a right conclusion.

We come, then, to the next section: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged," etc. There is a very extraordinary difference of language between this section and the preceding one. In that it was a "person *charged* with crime." There was probable cause to believe that he might be guilty. But in this section, is it a person *charged* with being held to service? a person that somebody swears was held to service? The Constitution tells you what it is: "No person held to service or labor," etc. If he is not *held*, he is not liable. "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any regulation therein, be discharged from such service or labor; but shall be delivered up," etc. Who shall be delivered up? The person "held." Not the person "charged," as in the case of a person charged with *murder*. It is not the person suspected, but it is the person "*held*." When? Not till it is found out whether he *be* held or not, I take it.

But the person held to service or labor "shall be delivered up on claim of the party to whom such service or labor may be due." The party who held him must prove that the service or labor is *due*, and that he was *held*. How is this to be done? Is it to be done by a summary process? Did any man ever hear of such a thing, except in relation to slavery? Did any man ever hear that any question of liberty or property was finally disposed of by means of a summary process, except in relation to this subject of slavery?

We are told, that we should submit. Now, I do not go to a southern State to tell them what they shall do, or what they shall not do. Let them provide for their own institutions as they please, but let them not come here and tell me that a man shall not have a trial by jury, and that he shall not only not have a jury trial here, but, perhaps, nowhere else. I do not admit any such doctrine here.

Why, is it not quite clear how this question whether he be held to service or not, should be decided? What is the principle of the Constitution of the United States on that subject? For there is a principle laid down here. There is very little left out that ought to be in this Constitution. There is laid down here the rule that no man shall "be deprived of his life, liberty, or property, without due process of law." That is in the fifth article of the amendments of the Constitution of the United States.

Now I take it, if you seize a colored man, — or you may seize a white man under the operation of this law, — if you seize any man in Massachusetts under this fugitive slave law, the first question is, Shall he be deprived of liberty? You are not to take it for granted that he is a slave. All presumptions of law are in favor of liberty. It is a maxim older than Christianity itself, "*Presumitur pro libertate;*" that the presumption is always to be in favor of liberty. Now, if I say it was the maxim of ancient Rome before Christ was born, it is the maxim of Christian Europe, and of everybody, the world over, to-day; it is the maxim of the civil law of Europe, coming from the early ages of the republic, through the empire, and surviving the empire, a system of law matured for twenty-five hundred years, into the most perfect embodiment of human reason to which the world has given birth; this law cried through all time, "all men are by nature free;" it is the great cry of Pagandom to Christendom, and Christendom echoes it back; it is the maxim of the common law of England; it is the maxim of the common law of Massachusetts; it is the maxim of the whole world, save only the slave-holding States of this Union. It is to be presumed that the man is free, from the fact that he is a man made in the image of God.

The image of God stamped upon him certifies him to be free. The human form divine with which he walks erect and proudly looks to heaven, certifies him to be free. And when all Roman and all European, aye, Asiatic and American laws have decided he shall be free, — when that is the universal law of the world, I will not agree that any miserable notion of a temporary expediency shall make me bow down to that very detestable, abominable, horrible, and wicked doctrine, that the color of a man shall establish the fact, or even furnish a presumption of the fact, that he is not free.

I go on, then, upon the Constitution of the United States, and I say this man found in the State of Massachusetts is presumed to be free; and, therefore, when you seek to make a slave of him, the question is, Shall he be deprived of his liberty? He has his liberty. Shall he be deprived of it? The Constitution says he shall not be deprived of his life, liberty, or property, without due process of law.

I admire the arrangement of those three words. I admire the putting of liberty between life and property. There are two schools on this subject: some who think life is worth more than property, some who think the life of a man is worth more than the shirt upon his back; and others who have a sacred regard for the dollars a man possesses, and believe that his purse is vastly more important than his person. If a man thinks that life is the more important of the two, then is liberty placed most appropriately by the side of it. If on the contrary he thinks property of the most importance, then liberty takes precedence even of that. Between property and life, it is in either case in a respectable position.

What is "due process of law?" Let me say why it was that that clause was put there. For all these safeguards are inserted in the Constitution by its framers, or by those who amended it, because they knew what had happened in the past. Men had been deprived of their lives, their liberty, and their property, without due process of law. They had in their minds the practices in the house of Stuart under James I. and Charles I., and in a degree under Charles II. and James II. Men's liberties had been taken away without due process of law, without trial by jury. This was accomplished by means of the star-chamber, without trial by jury, without the confronting of witnesses.

In that star-chamber, and also by means of certain other courts, the liberties of the citizens were taken away. Commissioners were also appointed, constituting irregular courts, not the courts of the king's bench, nor any other courts, with stated terms; but this appointment was effected by selecting certain individuals, fit tools of the tyrant. These would constitute a court, for the express purpose of trying a certain man. Commissioners were appointed who went down and tried the case without a jury, and without a public hearing and without confronting the witnesses. In that way men's liberties have been taken away. This was no new thing under the Stuarts. It had been done under the Tudors, under the Plantagenets, and even before the Plantagenets. This very ancient abomination, this hoary survivor of the iniquities of a thousand years, had been among the causes of the civil wars between the monarch and the subject, in which British swords were sheathed in British hearts, till the genuine Norman nobility was almost exterminated from the land. It was denounced in all the bills of rights in the English language, and in charters before the English language was known, in Magna Charta, before Magna Charta, and perpetually in all proclamations of liberties afterwards.

When this article was added to the Constitution, those who did it meant to guard against these usurpations of power. Governments are the same in all ages, and these things might be done in our nation as well as elsewhere. No man shall "be deprived of life, liberty, or property, without due process of law." By due process of law, they meant in due process of proceeding in common law. It was the taking away of the trial by jury, it was the taking away of the *habeas corpus*, it was star-chamber doctrine, — it was all this against which they acted.

What was due process of law? That general examination of the Constitution, of which I have given you only a sketch, would show you what it was. To prevent any possible ambiguity, they said, in the seventh article of amendments, "in suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

And they supposed, when they had secured both criminal prosecutions and civil suits, that they had covered every thing. They meant to cover all things, except well known and well defined proceedings in admiralty, proceedings in chancery, and also courts martial. They meant to include all save those exceptional cases, and they did not suppose that anybody would imagine that the trial of a man's liberty was one of these. The writ to ascertain whether a serf belonged to the lord who claimed him, is one of the oldest in the common law.

Will any one rise up and say that a man's liberty is not worth twenty dollars? If a man owes another eighteen or twenty dollars, and it costs a hundred dollars to get it, he would certainly better not have a jury to try the case. All sums below twenty dollars cannot be tried by a jury for this reason, namely, that it would cost more than that to try the case.

Some limit it was necessary to fix; and that amount was selected as the most appropriate. They never dreamed that any man's liberty would not be considered worth twenty dollars.

What is a man's liberty worth? Will the *owner* say it is not worth twenty dollars? If it be worth, to the master, five hundred dollars, is it not worth as much to the man himself? No slave would escape, no master would pursue him, no master would keep him, if he were not worth more than twenty dollars. But, "in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." Now the supreme court of the United States have decided (in the case of Lee against Lee) that a man's liberty is worth to him, in all cases, more than one thousand dollars, and that where there is no appeal unless the amount in controversy exceeds one thousand dollars, if the liberty of the party be brought in question, he shall have his appeal.

Due process of law is meant to distinguish the careful, guarded, strict, precise manner known to the English law, from the summary military process used in time of war. There can, therefore, be no doubt that a person held to service is, by due process of law, entitled to his trial by jury.

There are other questions entitled to consideration, if I did not perceive that the hour is approaching at which a great portion of my audience will be obliged to leave the hall if they wish to reach their homes to-night.

I lay down two propositions: first, that the government have no jot or tittle of power, authorizing them to act for the rendition of fugitive slaves; and second, even if they had such a power, this clause would require that it should be exercised under due process of law, which due process of law includes a jury trial. A jury trial, where? "A person *held* to service shall be delivered up." Certainly, in the place where he is seized! He should be tried by an impartial jury. It is said, carry a man from Maine to Texas, and then he can have his trial. I should prefer not to run that risk if I were liable to be arrested. I would make it certain whether I had been held to service, before I ran the risk of perpetual servitude, by being carried into a slave State.

But that is not all. Suppose that every man who claims a fugitive slave were as wise as Solomon, and as upright as Sir Matthew Hale. Suppose he were determined to give the alleged fugitive a fair trial in a slave State. What follows? Simply, that in the slave-holding States, the rule of law is opposite to what it is here. Here he is a freeman till he be proved to be a slave. There he is a slave till he be proved to be a freeman.

The rule at the South is, that a colored man is a slave till he be proved free. He may be free and unable to prove it, because he has lost his free papers. He may be free because his mother and grandmother were free before him, and they might not be able to testify in a southern court.

Suppose that they should always construe their laws fairly. Would you send a man back to a system of laws where a man is presumed to be a slave? I say no! Never! Try a man where he is presumed to be free.

I will go no further, but simply read these resolutions which I believe embody the substance of what I have said, and leave them to your decision. I have made this explanation, though I knew that it would be distasteful to some persons who have, heretofore, voted for me. I want them to show their numbers in favor of the expediency of making a change in the candidate. I want the democratic party to strike out the course which they will choose to pursue; and I think they need no assurance from me that in any course they may adopt, for the furtherance of sound democratic principles, the ancient principles of old fashioned liberty, they will find in me a zealous coadjutor. I will read the resolutions, because they state my position more clearly than the remarks which I have had the honor to address to you.

[The resolutions were then put to vote, and the response shook the hall like thunder. They were passed by an overwhelming "aye" to *one* solitary "*no!*" Mr. Rantoul was then unanimously re-nominated for congress.]

ON THE CONSTITUTIONALITY OF THE FUGITIVE SLAVE LAW.*

The House being in committee of the whole, and having under consideration the bill making appropriation for the Indian department, Mr. Rantoul said: —

Mr. CHAIRMAN, the gentleman from Vermont, (Mr. Meacham,) who spoke yesterday, and the gentleman from Pennsylvania, (Mr. Stevens,) who has just taken his seat, have addressed to me, individually, a large portion of the remarks which they have had occasion to make upon the subject of the tariff. Now, Sir, I am not concerned, but that the common sense of the world, operating as it is upon both sides of the Atlantic, will set this question of free trade and protection right, without any assistance from me. I am not afraid that the people of the United States will be made to believe that the highest taxation is the greatest blessing. I am not afraid that the farmers of the West, by any degree of ingenuity, can ever be led to the conclusion that it is better for them to give two barrels of flour for a certain quantity of iron, rather than one barrel of flour for the same quantity of iron; and to that it comes. Gentlemen may talk by the hour together about this question. Reduce it down to its ultimate elements, and it is simply this for an agricultural nation: Do you choose, for the product of so many days' labor, to get a ton of iron; or would you prefer, for the same amount of labor, to get only half a ton of iron? If gentlemen of the West think two tons of iron better than one, and if they think they had better buy a given quantity with one barrel of flour rather than with two, then I think they will never aid Pennsylvania in screwing down labor, which has been the effect of protection in England, Spain, and France, and wherever it has been tried. I think they will never aid Pennsylvania capitalists in screwing labor to the lowest point, in order to carry out theories which have been tried over and over again, and failed wherever they have been tried.

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* A Speech delivered in Congress, June 11, 1852.

Sir, the gentleman who last addressed the house addressed it very ably and very eloquently, but in a long series of historical facts, he is totally mistaken in his idea. The supposition, that civilized nations have always adopted high protective tariffs, is ridiculously wide of the truth. Why, Sir, the commerce of ancient nations, and the commerce of the middle ages, flourished in proportion to the freedom of that commerce, and it was the nations who adopted restrictive systems,—the nations that adopted restriction and protection that ruined their commerce, and caused it to depart to other better conducted nations.

Now, the gentleman meant to allude, as I suppose, although he did not specify it, to the Italian republics of the middle ages, and to the great commerce which extended round the shores of the Mediterranean. Now, Sir, the gentleman may go as far back as he pleases,—he may go back to Athens, a republic made great, and wealthy, and powerful by her commerce, and Athenian commerce was the creation of free trade,—he may go back to the Roman empire, and take the tariff under Diocletian, when the Roman commerce was at its height.

The tariff of the time of Diocletian was a tariff lower than that of England now, and that of England, as everybody knows, is a great deal lower than ours. Then you come down to the first tariff that was constructed upon scientific principles, after the downfall of the Roman empire, which was that adopted under Godfrey de Bouillon, king of Jerusalem at the time of the crusades, and put in operation in Syria, and which afterwards became a model for all nations around the Mediterranean, in Italy and everywhere else. You find that it is an "*ad valorem*" tariff, with very few exceptions, from beginning to end, and most of the duties are 8 per cent., while some articles are put at 16 per cent., and a very few, and those not important, at 24 per cent. Under this tariff, so much more liberal than any of later times, modern commerce had its birth. That is the truth of history, and it was the freedom of commerce in the Italian republics that made them what they were. It was from their great commerce that their great wealth sprung up, and from their wealth grew up their immense manufactures, and not, as the gentleman supposes, that the commerce was created by the manufactures. He was putting the cart before the horse. But I am not going to make a speech upon the subject of the tariff now; but by-and-by, if the house will indulge me, after gentlemen from the North, East, and particularly from New England, have said all they have to say in propping up that rotten system which has produced so much misery in England, and has the same tendency here, I will take the liberty to reply; and for the present, thinking it quite safe to do so, I leave these arguments without an answer.

I pass on to a subject of as much more consequence than the tariff, as liberty is more important than property. Liberty and property are the two great objects of good government. Government ought to protect them both; and I hold, that of the two, liberty is infinitely the highest in importance; and when rights and liberties are outraged, it becomes an imperative duty to speak upon that outrage, and set it right before the country.

I have been sitting here since the commencement of this session,—aye, and it began before we took our seats here,—I have been sitting here listening to denunciations of agitation, and agitators, upon a certain subject, which has been handled a great deal upon this floor. "Cease this agitation! Quiet the distracted country!" That has been the cry. We were told that we must cease agitation upon that subject, at a meeting of the democratic members, before we took our seats here; we were told so in a manner tending to promote agitation. We came here on the following Monday, and the first greeting that I received upon this floor, before we went into the election of speaker, while I was sitting very quietly as I generally do, being a quiet and peaceable man, was a denunciation of myself individually, by a member from the South, (Mr. Meade, of Virginia,) who spoke of me as an agitator, coming here to stir up the nation into strife, to lash the waves of agitation into fury. I made no reply. Very strange for an "agitator!" Again and again, for at least the twentieth time, have I listened to the same denunciations, without replying. I have been taunted on the floor of this house with being an agitator. By whom? By gentlemen from the South. All the gentlemen who have risen here to denounce agitation, and to stir up bitter feelings by that very denunciation,—all, I might almost say, have come from the South. And persons who sit quietly in their seats and hear epithets applied to them, which they can scarcely, as gentlemen, listen to without immediately resenting them; gentlemen from the North, who have exercised all this forbearance, are again, and again, and again, and seemingly without end, taunted in this manner by gentlemen who say they desire quiet, and that agitation shall cease. If they do so desire, why do they not cease it? I and my friends have made no agitation. I have not opened my mouth before this house in any allusion to the subject of slavery, except in reply to a direct attack upon me. Again and again have I suffered such attacks to pass without notice or reply, but still the charge of agitation comes from another and another quarter, against me and all those who think as I do.

Well, Sir, after sitting quiet so long, disposed to leave to abler hands the work I am about to undertake, I am at last singled out in such a manner, that I cannot, as a man of honor, sit quiet any longer. I am compelled to speak by a necessity which I cannot avoid, without the imputation of cowardice, and, as I think, a justly deserved imputation of cowardice, if I should remain quiet. That is my position. I speak not because I desire it, but because the men who say, "put an end to agitation," compel me to speak, and will not allow me to remain silent. That is the reason why I intend at present to discuss this question.

I said, Sir, that these taunts and sneers came from the South, but sometimes they came from gentlemen who happened to be born in the North. By what mysterious dispensation of Providence it happened that they were born there, it is not for me to conjecture. Why, there comes here from a district represented in the last congress by an abolitionist,—an abolitionist elected by the votes of the gentleman's friends,—a young stripling, Hon. Colin M. Ingersoll, of Connecticut, who undertook to introduce Benedict Arnold as a subject of comparison on this floor. Well, Sir, if Benedict Arnold is to be compared to members of this house, I for one claim the liberty to select the member with whom the comparison is to be made. Benedict Arnold, if I recollect aright, was born and brought up in Connecticut, and not in Massachusetts. He was a young gentleman of great promise,—a gentleman from whom his friends expected something very magnificent, supposing him to be just the man fitted to rise in the world,—a man troubled with no scruples. They were very seriously disappointed in that expectation. Benedict Arnold apostatized from the cause of freedom to the cause of slavery, if I have read history aright. His efforts against slavery did him honor. Ambition riveted about his neck the collar of slavery, and he was damned to eternal infamy. Well, Sir, when gentlemen from Connecticut choose to make comparisons of that sort, let them read their history carefully, and see where a parallel will run; and not jump to find a parallel where there is nothing but a contrast. But, Sir, (and that is my excuse for occupying the attention of the committee,) events have recently transpired, which are perfectly well known to every member of the committee, and, therefore, not necessary to be recapitulated in detail at present, which have singled me out, and made it my duty to explain my position. I am about to speak of this process of putting an end to agitation, so wisely conceived by these gentlemen, who must know, if they are sane men, they produce agitation by the course they pursue.

Sir, when six and a half millions of white men in the South attempt to control the feelings, opinions, judgments, and consciences of thirteen and a half millions of white men in the North,—when that process is attempted, and when they undertake to drive it through by threats, by force, and by all those appliances which make men revolt against their dictation, they must understand that they have to do with the descendants of the men who commenced and who fought through the American revolution, and whose characters have not materially changed,—those of them who stay at home,—however much those who come here may be corrupted by the influences which surround them here,—I say, those who remain at home have not very much departed from their original character. I allude to the circumstances which recently occurred at Baltimore, as my reason for addressing the committee at this time. Sir, I was unanimously elected a delegate to the national democratic convention by ballot, and on the first ballot, in the fullest convention that has been held in my district for many years,—a convention regularly called, according to the uniform usage in Massachusetts for the last twenty-five or thirty years. I was sent there to represent five thousand democrats, who act with the party in its regular organization. The convention thought proper to disfranchise my district,—the only democratic district in Massachusetts,—and thought proper thereby to insult, not merely that district, but the sovereign State of Massachusetts, which was shorn of her proportionate share of representation in the convention by that proceeding.

They then thought proper to go on and take measures for the union of the democratic party. Is any one democrat in Massachusetts bound by what you do in such a convention? I speak not of the course which those democrats may think proper to take. That is a matter for them to determine. But I ask if any one democrat in the State of Massachusetts is under any obligation growing out of the proceedings of a convention in which the State of Massachusetts was deprived of her proportionate number of delegates elected by her choice? That is a question for the democratic party to consider, and for the democrats of Massachusetts to consider.

As to the district which has been thus disfranchised, why, Sir, if there is a district in the United States, from the Madawaska to the Rio Grande,—if there is a district from Massachusetts Bay to San Francisco that is, and ought to be democratic, it is the district that I represent; and I should like to compare its history with the history of any other district represented by any other individual upon this floor.

Sir, in my district is that glorious old town of Marblehead. Elbridge Gerry, coming from the town of Marblehead, was the chairman of the committee that reported the resolutions of the 30th of April, 1784, giving the power to regulate commerce to the government of the nation,—the resolution that laid the foundation of your federal union. It was a citizen of my own native town of Beverly, and a native of my own district, Nathan Dane, who was chairman of the committee that reported the resolves of the 21st of February, 1787, for calling the federal convention at Philadelphia,—the convention that framed the Constitution of the United States; and that same Nathan Dane, of that same town of Beverly, was the man who drew up the ordinance of 1787, which gave freedom to the broad territory north-west of the Ohio.

Well, Sir, if I stopped there, I think I should have made out a list of claims for my district which it would not be very easy to surpass. But, Sir, the first resistance to the power of Great Britain in the revolutionary struggle was in the town of Danvers,—a town in my district, and which adjoins my own. On the 26th of February, 1775, before the battle of Lexington, that which was done at Lexington and Concord was attempted to be done at Danvers. The British troops marched upon the town to seize the arsenals and stores of the Americans, but they were turned back. They were met by a collection of the farmers and mechanics of Salem, Beverly, and Danvers, so strong that Col. Leslie, who commanded the British troops, turned back discomfited of his purpose, knowing that unless he did so, he and his party would be made prisoners-of-war. Danvers, far distant from Concord, and in a different county, had more men killed in the Concord fight than any other town after the morning massacre. Beverly, my native town, sent her sons further than any other town on the 19th of April, 1775, to strike in the first battle for liberty; and I have seen the garment, stained with his blood, in which one of her sons was killed on that day. The first continental flag hoisted upon the ocean, in defiance of British supremacy, was the flag of the schooner Hannah, fitted out from my own town of Beverly. The first commission given by Washington to the commander of any cruiser against Great Britain, was issued to Captain Manly, of Marblehead, in my district. The first in the long list of naval heroes; the first man who poured out his life in that great war against slavery, crying, as Lawrence afterwards cried, "don't give up the ship," was Captain Mugford, of Marblehead, on the 19th of May, 1775.

There is the material out of which to form a democratic congressional district. It is a district that has bright revolutionary glory,—historical glory thickly clustered around it. It is not to me that the insult has been offered, but it is to that district which I have described to you.

Why, I ask, is it that this insult has been offered? It is simply because, as I told the committee who examined that case, when they asked me if I would pledge myself beforehand to agree to the resolutions which might be adopted by that convention, "I do my own thinking, and do not allow any convention to do it for me." That is the reason. Well, now, do gentlemen suppose there are not some millions of white persons at the North, who do their own thinking, as well as myself? If they suppose any such thing, they are grievously mistaken, and by and by the consequence of that mistake will begin to appear, a little more clearly than they now appear. It is because I determined to think for myself, and adhered to that determination, upon a great question of constitutional law; and thought it a duty incumbent upon me to avow the conclusions at which I had arrived.

That question of constitutional law I now propose to examine. It is this: Is there in the Constitution of the United States a grant of power to legislate for the rendition of fugitives from labor? I say there is not; and no man who calls himself a democrat, — whether he hails from New Hampshire, or any other part of the Union, — can for a moment sustain his character as a democrat upon the position that there is such a grant of power. Why, Sir, what is the distinguishing doctrine of the democratic party? I suppose it is the doctrine laid down by Jefferson, in his comments upon the proposed veto of the first United States Bank. Thomas Jefferson says: "I conceive the corner-stone of the Constitution to be laid in the tenth article of the amendments to the Constitution;" the article that no powers can be exercised by the general government except such as are granted to it; that powers not granted to the general government "are reserved to the States or to the people." That is the foundation of the democratic faith, so stated to be by Thomas Jefferson, so understood to be by Samuel Adams and Elbridge Gerry, and all the old democrats of New England as well as by Virginia, and the democrats in the South; and that is the doctrine upon which I mean to take my stand. That is the doctrine of the Baltimore resolutions *as they were;* the doctrine of the resolutions of 1798, '99, adopted at Baltimore the other day, which gentlemen talk about in such a way as to lead one to suspect that they have not read them, — the doctrine of the resolutions of 1798, '99, which declared the alien and sedition laws to be unconstitutional by a course of reasoning which applies as strictly to this question of the fugitive slave law as it does to the alien law, or the sedition law, or to any section or clause of either.

But the State of New Hampshire, when the constitutionality of the alien and sedition laws came up in her legislature, voted unanimously, in a full house, one hundred and thirty-seven members being present, and unanimously in the senate, that those laws were clearly "constitutional, and, in the present critical situation of our country," said they, "highly expedient." Is there a man in New Hampshire who believes that now? New Hampshire blushes when that page of her history is recalled to the memory. It was then the unanimous opinion of the senate and house of representatives of New Hampshire, that the alien and sedition laws were "*constitutional*." It is the unanimous opinion of New Hampshire now, that they are *unconstitutional;* and, Sir, the day will come when every man's children will blush for his servile heresy upon this question, as the men of New Hampshire now blush for what their fathers did upon that question.

The question of the constitutionality of such a grant of power is within a very narrow compass. It is only necessary to take up the history of the clauses included in the fourth article of the Constitution, and see where they came from, what they mean, and what changes they underwent. Sir, everybody knows that the Constitution contains an enumeration of powers granted to congress. The powers granted to congress stand by themselves, as they did in the old articles of confederation. In another part of that instrument, distinct from the enumeration of powers granted to congress, you find certain clauses of compact. I suppose there is not a man in this house who will undertake to deny that there are clauses of mere compact in the Constitution, — clauses of compact between the States, which imply no grant of power whatever to the federal government. The whole question is, does the clause relating to fugitives from labor, belong to that class of clauses which give power to the general government, or is it simply a clause of compact between the States? That is the question.

Well, now, Sir, the continental congress resolved, on the 11th of June, 1776, to appoint a committee of one from each colony to report articles of confederation. The next day the committee was appointed, and Samuel Adams of Massachusetts, was the member from that State, upon it. On the 12th of July, 1776, a little more than a month afterwards, this committee reported the articles, which were debated from time to time, and adopted by congress on the 15th of November, 1777. They were ratified by the States, one after another, until Maryland, the last on the list, acted upon them on the 1st of March, 1781.

The first article establishes the style of the confederacy, — it shall be "The United States of America." The second article is the key to the whole; and is therefore very important to be considered. It determines that the government to be established for the management of the general interests of the United States, shall be strictly held, and confined within the limits of powers expressly granted by the act of confederation. It is in these words: "Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not, by this confederation, *expressly delegated* to the United States in congress assembled."

No implied powers there! "*Expressly delegated.*" This, I say, is the corner-stone of the whole system of the confederation, — State-rights jealously preserved; a few powers clearly defined are granted to a congress, which is sternly prohibited at the outset, by the first fundamental regulations of its existence, from assuming any scintilla of power not so granted.

There can be no difficulty, then, in ascertaining what powers belonged to the congress under the confederation. We have only to read the enumeration, and we shall find them all expressly delegated; none others existed.

Let us proceed, then, with our examination of the several "Articles of confederation and perpetual union."

By the third article, the said States "severally enter into a firm league of friendship;" but no power is granted to congress.

By the fourth article, the free inhabitants of each State, except paupers, vagabonds, and fugitives from justice, are "entitled to all privileges and immunities of free citizens in the several States;" but no grant of power is connected with this particular provision of the compact.

A second clause of the same article is in these words: "If any person guilty of, or charged with treason, felony, or other high misdemeanor, in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive officer of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence." The power to deliver up the person guilty, or charged, is not "expressly delegated to the United States," but "each State retains" that power, as entire, and unimpaired, and unquestioned, and unquestionable, as if the confederation had never been brought into existence.

A third clause of the same article is in these words: "Full faith and credit shall be given in each of these States, to the records, acts, and judicial proceedings, of the courts and magistrates of every other State." The congress had no power to enforce, or to regulate, this stipulation of the compact. Each State retained unimpaired, and unquestioned, all and "every power, jurisdiction, and right," over the manner in which this agreement should be performed, and the effect of that performance.

Now, the substance of this fourth article of confederation, — the substance of each of the three clauses of this fourth article, — has found its way into the Constitution of the United States, constituting, together with certain additional provisions to be considered by and by, the first and second sections of the fourth article of that instrument.

How came these agreements of the old compact of 1777 into the federal Constitution of the 17th of September, 1787? What changes have they undergone in passing there? What effect and force, in their present form, do they now carry with them? Are they, by any means, transformed from mutual stipulations between contracting parties, into grants of power, by parties surrendering what they had retained and reserved to themselves for ten years, to a new administration of the powers, jurisdiction, and rights, in this behalf, then for the first time delegated to the United States?

If so, how, when, why, by whom, by what apt words to express the transformation of these mutual covenants into delegations of power, was this new grant first made, and where in the record do you find it written down?

We will trace the subsequent history of these stipulations of the old confederacy, and examine, first, the process to which they have been subjected, the changes resulting from it, and the additions they have received; and when we have sufficiently considered the clauses by themselves, we will inquire whether they are affected by their relation to other parts of the same instrument, and whether any different rule of construction is to be applied to interpret them, so as entirely to change their character.

It does not appear that any complaint was made of the non-performance of either of these three stipulations by any State, either in the continental congress during the ten years that followed the adoption of the articles of confederation, or in the constitutional convention during its whole session, or that any apprehension of such non-performance in future was expressed from any quarter. Nor does it appear that any objection was raised against the clause concerning the faith due to public records, or that concerning fugitives from justice.

It was, however, as it would appear, repugnant to the sentiments of South Carolina to guarantee all the privileges of free citizens of her own State to the colored free inhabitants of other States. On the 25th of June, 1778, South Carolina accordingly moved to insert the word "*white*" in article fourth, clause first, between the words "free inhabitants."

On this proposition the States voted, — ayes 2, noes 8, divided 1; and the motion was rejected; the two ayes were South Carolina and Georgia.

South Carolina moved, after the words "several States," to insert "according to the law of such States respectively, for the government of their own free *white* inhabitants." On which motion the ayes were 2, the noes 8, divided 1; and it was rejected.

South Carolina was unable to repeal that clause of the old confederation, or prevent its passing into the new Constitution. But she has found a very convenient way of escaping its consequences since that time, and calls upon other States to fulfil their agreements in these articles of compact, a portion of which, understanding it perfectly well, as she showed by trying to change it, she still goes on coolly and deliberately, and habitually, and perseveringly to violate.

No other change seems to have been suggested in either of these clauses in the continental congress during the whole period of ten years.

On the 21st of February, 1787, a grand committee, of which the Hon. Nathan Dane, of Beverly, Massachusetts, was chairman, recommended a meeting of delegates from each State to revise the articles of confederation. On the motion of the delegates from Massachusetts, it was resolved to call a convention for that purpose, to meet at Philadelphia on the second Monday in May.

Sundry members met on that day, May 14th, 1787, but the convention did not elect their president, George Washington, until the 25th. On Monday, the 28th, they adopted their rules and orders, and on the 29th, they proceeded to business. On that day, Charles Pinckney, of South Carolina, submitted a draft of a Constitution, which became the basis of the further action of the convention.

In this draft, the twelfth and thirteenth articles were as follows: —

"Article XII. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. Any person charged with crimes in any State fleeing from justice to another, shall, on demand of the executive of the State from which he fled, be delivered up, and removed to the State having jurisdiction of the offence.

"Article XIII. Full faith shall be given, in each State, to the acts of the legislature, and to the records and judicial proceedings of the courts and magistrates of every State."

There is no reason to suspect, therefore, that it had occurred to South Carolina at that time to convert either of these clauses into a grant of power, or to insert among them any provision for the case of fugitives from service. Neither of these changes had been thought of either by South Carolina or, so far as we know, by any other State. That these clauses, as they stood in the articles of confederation, were so far satisfactory to all sections and to all parties as not to be among those provisions of the compact which it was desired to revise, and which the convention had come together expressly to reform, seems to be quite evident, not only from the facts already stated, but also from the circumstance that in the six other plans submitted to the constitutional convention, in the form of resolutions, embodying the views of leading statesmen, and of the different parties struggling to mould the new institutions upon principles in some respects widely diverse from each other, neither the faith due to public records, nor the immunities mutually pledged to citizens, nor the extradition of fugitives from justice, nor the extradition of fugitives from labor, is so much as once alluded to. Yet the very object of all of these resolutions was to bring forward and present for discussion the views of their authors upon all the disputed points involved in the mission of the convention. The plans to which I refer were Edmund Randolph's fifteen propositions, presented May 29th; Mr. Patterson's eleven propositions, presented June 15th; Colonel Hamilton's plan in eleven propositions, presented June 18th; Randolph's plan as amended, and again submitted in committee of the whole, in nineteen resolutions, June 19th; the report of the committee of detail on the twenty-three resolutions, July 26th; the report of the committee of eleven, made September 4th, and for several days afterwards. Neither of these plans contains any allusion to the question of fugitives from service, now insanely imagined by the fanatics of slave-worship to have been one of the leading "compromises of the Constitution" — a thing which no man in the convention which formed the Constitution dreamt of until it was suggested in another assembly, and upon another occasion, and for another purpose. On the 18th of June, the same day in which he submitted his plan, Mr. Hamilton read, as part of his great speech, his complete draft of a Constitution, in which the clauses already given from Pinckney's draft reappear in the following shape: —

"Article IX. Sec. 5. The citizens of each State shall be entitled to the rights, privileges, and immunities of citizens in every other State; and full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of another.

"Sec. 6. Fugitives from justice from one State, who shall be found in another, shall be delivered up on the application of the State from which they fled."

This draft of Mr. Hamilton is a carefully-finished production, carried out into all the minute details, and giving the author's matured opinions what the Constitution ought to be in every one of its provisions. This gentleman represented the ultra federal, consolidation, monarchical tendencies of the convention more fully and frankly than any other member; and was most desirous to multiply and extend grants of power to the federal government. He carried this notion so far as to desire that the legislation of each State should be controlled by the United States; and to effect this object, in the tenth of the resolutions offered by him on the 18th of June, he proposed that the governor of each State should be appointed by the general government, and have a veto upon all laws about to be passed in the State of which he was governor. This, with his president and senate for life, as proposed in the same resolutions, would have constituted a consolidated monarchy.

Mr. Charles Pinckney, of South Carolina, was the champion of the sectional slave interest, and he also declared, in the debate on the 23d of August, that he thought the State executive should be appointed by the general government, and have a control over the State laws by means of a veto. Neither Mr. Hamilton, nor any other friend of the northern monarchical interest, nor Mr. Pinckney, nor any other southern friend of the sectional slave interest, had suggested in their drafts, or resolutions, or speeches, or in any other way; still less had any friend of democratic freedom and State rights suggested, before the 28th of August, to give congress any power over either of the three subjects of compact, namely, credit due to records, immunities of citizens, and fugitives from justice; nor had any one alluded in the convention to the subject of fugitives from service. On the 6th of August, about a month after the principal compromises had been settled, and the difficulties surmounted, a committee of five, — of which John Rutledge, of South Carolina, was chairman, — reported a Constitution entire, a printed copy being handed on the same day to each member. In their report, the fourteenth, fifteenth, and sixteenth articles are as follows: —

"Article XIV. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

"Article XV. Any person charged with treason, felony, or high misdemeanor in any State, who shall flee from justice, and shall be found in any other State, shall, on demand of the executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of the offence.

"Article XVI. Full faith shall be given in each State to the acts of the legislature, and to the records and judicial proceedings of the courts and magistrates of every other State."

On the 28th of August, these paragraphs came up in order for consideration. Article fourteen was taken up. General Pinckney (Charles Cotesworth Pinckney) was not satisfied with it. He seemed to wish some provision should be included in favor of property in slaves. Article fourteen was adopted, — ayes 9, no (South Carolina) 1, divided (Georgia) 1. Article fifteen, the words "high misdemeanor" were struck out, and "other crime" inserted. Mr. Butler and Mr. Pinckney, (Mr. C. Pinckney,) both of South Carolina, moved to require "fugitive slaves and servants to be delivered up like criminals." Mr. Wilson, of Pennsylvania, said, "this would oblige the executive of the State to do it at the public expense." Mr. Sherman, of Connecticut, saw no more propriety in the public seizing and surrendering a slave, or servant, than a horse. Mr. Butler does not object to either objection; but he undertakes to change his proposition. "He withdrew his proposition, in order that some particular provision might be made apart from this article." Article fifteen was then adopted unanimously.

Thus far there is no indication of any intent to make a grant of power. Butler's motion to require slaves to be delivered up, was to "*require*" *the States to do it*, — not to empower congress to do it; or rather, to authorize the national executive to do it. Wilson's objection shows this understanding: it would oblige the executive of the State to do it at the public expense, as happens when one State demands from another a fugitive from justice. Sherman thought the public had no more cause to seize a slave than a horse. How did Butler propose to obviate this objection? Was it by transferring the duty and expense from the lesser public, the State, to that greater public, the United States? It was by giving the master authority to reclaim his servant, precisely as he might by the old process of the English law. As the relations of the States then were, a person held to service in Virginia escaping into Pennsylvania would be free. The Constitution stipulated, that the character of a servant belonging to him before his escape, should cause to attach to him in any State to which he might flee, whatever might be the laws of that State, — a liability to reclamation, and that is all.

When gentlemen imagine that the Constitution has attributed to the service of a negro held to labor, — to that description of property, — the character of sacredness that does not attach to any other property whatever, they misread the Constitution, and misjudge the men who framed it. Than have done what you impute to them, some of them would sooner have had their right hands cut off; yet the clause, as it now stands, passed unanimously. The strict attention of very sharp intellects was drawn to this very question which I have been discussing, in that convention, and they settled it with their eyes wide open, and as I have; as I will prove to this committee. Article sixteenth of the draft was that concerning public faith in the acts of the legislatures and records, and judicial proceedings of the courts and magistrates of the several States. That was the last in this series of compacts. What did the convention do with it?

August 29, Mr. Williamson (of North Carolina) moved to substitute in place of article sixteenth, "the words of the articles of confederation on the same subject. He did not understand precisely the meaning of the article." Mr. Wilson and Dr. Johnson said it meant "that judgments in one State should be the ground of actions in other States; and that acts of the legislature should be included, for the sake of acts of insolvency."

Mr. Pinckney moved to commit it, with a motion for a power to pass bankrupt laws, and to regulate damages on protested bills of exchange. Mr. Madison favored the commitment, and wished a power to be given to congress "to provide for the execution of judgments in other States. He thought this might be safely done." Mr. Randolph thought there was no instance under heaven of one nation executing the judgments of another. He had not been graduated in the modern Virginia consolidation school. Gouverneur Morris moved to commit also a motion to give to congress power "to determine the proof and effect of such acts, records, and proceedings." Nobody dreamed that there was a power in the article already. Many thought one should be inserted. It was committed. It became the opinion of the majority that they had better attach to the compact a clause giving power to congress over that subject, the faith to be given to records.

John Rutledge, of South Carolina, was the chairman of the committee to which these clauses were referred to make the change. They took the clause which stood last in order and transferred it to the head of the list, where it now stands, attaching to it power to congress to act upon the subject. There it stands. Were these men so simple as not to know whether a grant of power was necessary to be added, in express words, to enable congress to determine the effect of public acts, records, etc., in another State? Congress had the power already, as the article stood, if they have any power under either of the other clauses over fugitives from labor, or over either of the other subjects of either of these clauses of compact. But so thought not John Rutledge, of South Carolina, who reported the grant of power; James Madison, of Virginia, who desired a grant of power, and favored a commitment for that purpose; Gouverneur Morris, a high-toned federalist, who could find constructive powers wherever Hamilton could find them, but could find none here, and, therefore, asked for an express grant. All these clauses were in the confederation originally, and articles of compact there, and nobody had ever pretended that they were any thing else there. All the four clauses are still in their language, in terms, in their obvious, — one might almost say, in their only possible construction, articles of compact. Still, it is agreed to attach to one of them a grant of power, and not to the other three. The convention takes out that fourth clause, makes it the first, and says congress shall have power to determine the effect to be given to the public records of the States. Where did congress get that power from, in either of the other clauses of compact where it is not given? Why did congress have that power given to them by express words in that clause, if the government had it already in all these clauses, as they must, if they had it in either? These were not men to waste words. There is not a document in the language of any human race which treads the face of the globe, so carefully considered in the effect of every word, as the Constitution of the United States. When the constitutional convention saw they had not made a grant of power in either of these four clauses, and came to the conclusion that they had better make it as to one of them; they knew what to do. They picked out that clause, put it at the head of the article, and said congress shall have power to determine, by law, what shall be the effect given to public records. Why did they not say: "Congress shall have power to provide for the rendition of fugitives from labor?"

That is what they would have said had they so meant. They did not so mean, and, therefore, they did not say it. And this is the only reason which the ingenuity of man can divine for the omission to express a grant of power in this clause of a Constitution, which grants no powers except those given in so many words, or those which, being subsidiary in their nature, are essential to the carrying into exercise of powers granted in so many words. Where they desired a power, the clause was changed. Who made that change? Was this a cunning device of northern men? John Rutledge was chairman of the committee appointed on the 29th of August, that reported that clause as altered, giving the power to congress. Mr. Pierce Butler, General Pinckney, and Mr. C. Pinckney, the three other members from South Carolina, — for there were but four in all, — had, each of them, had his attention called to this subject on the very day before that on which the committee was appointed; they had, each of them, alluded to it in the convention, and nobody else had done so, in the debate of August 28th. Three members from South Carolina, — each having his attention specially called to the subject of fugitives from labor, on the 28th of August, — that subject brought up again on the 29th. John Rutledge was chairman of the committee of five, appointed on the 29th, when Mr. Butler moves the clause of fugitives from labor, and that committee of five, who reported this clause on the 1st of September, took the ground that the power to legislate on the proof and effect of public acts, must be expressly granted. On the 3d of September, another debate took place, on granting this power, in which Madison, Gouverneur Morris, Colonel Mason, Mr. Wilson, Dr. Johnson, and Mr. Randolph participated, with various views. No one suggests that the clause will give a power, although none be expressed. The doctrine of implied powers had not then been strained so far. No one suggests a power over fugitives from labor. Slaveocracy had not then ventured so far. It would have been rejected at once. But the clause as it stands passed unanimously.

Does it not make a clear case? I would like to see those profound lawyers of New Hampshire, or Virginia, or anywhere else, show us how the power was put into this clause of fugitives from labor, which was not originally there; and who put it there; and where, and how Roger Sherman and Elbridge Gerry were induced to put it there. John Rutledge put it there, in the clause of faith and credit to records; but he did not put it into the other clause. He had a reason for putting it in the one clause, and he had a reason for omitting it in the other clause. When Colonel Mason, on the 22d of August, only a week before this clause was unanimously adopted, told the world that "every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. If nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities." * * * * "He held it essential, in every point of view, that the general government should have power to prevent the increase of slavery." When that far-seeing Virginian, who seems to have anticipated the history of Virginia in the nineteenth century, uttered these memorable words in the convention, do you suppose that he was contriving a government to be used as a great negro-catching machine, and that should be good for nothing else, — to be broken up the moment it ceased to perform that function, as seems now to be the prevailing opinion among the demagogues of both parties? Do you suppose for a moment that James Madison, Thomas Jefferson, Patrick Henry, George Washington, George Mason, and other abolitionists of that day, — to use the word as we hear it used every day in congress, — imagined that a provision so abhorrent to their general views had been inserted in the Constitution, and did not make it the subject of indignant comment in the convention or out of the convention? Mr. Madison would not suffer the black and odious name of slave to be named in the Constitution. Is it conceivable that he meant to enroll the hunting-down of the fugitive slave among the highest duties of the government founded under that Constitution, as our present administration esteems it to be?

Are we to believe that one half of the convention, being honest and firm men, belied all the instincts of their hearts, all the prejudices, if you choose so to phrase it, of their education, all that devotion to the principles of liberty in the abstract, which the revolution had developed, and made themselves parties, without a particle of inducement held out to them, without a word of remonstrance from one of them, to an eternal national slavehunt? Are we to believe this, not only without evidence, but against all the evidences? Let me remark upon the strangeness of this fact. Among the thousand letters which were written by leading members of the constitutional convention, or of the State conventions at the South, and at the North, never was there any thing produced that would lead one to suppose for a moment that the convention, or any man in it, or any man out of it, in the year 1787, suspected that the clause relative to fugitives from labor, contained a grant of power.

Not a solitary letter, speech, journal, memorandum, or record, of any description has been brought forward, which contains the explanation which is now put upon this clause for the purpose of impairing State rights,—helping to build up a consolidated system of government, which is centralizing power, and growing stronger and stronger every day and every hour, without casting into the vortex to be swallowed up in the federal maelstrom, the State institution of slavery!

Do the southern gentlemen know what they are doing? Do you mean to throw the whole power over the subject of slavery into the hands of the federal government? You do it here.

Do gentlemen desire that two thirds of the white men of the country,—aye, a great many more than two thirds very soon, for by the next census we shall have at least twenty-one millions of white people at the North, and nine millions, at the utmost at the South,—do gentlemen desire that those twenty-one millions of people should take this subject of slavery into their hands,—to let it agitate, and agitate, and convulse the whole nation, until it shall finally be treated, as it will be treated, if it becomes the fuel of a universal conflagration through this land? Let southern statesmen take warning in this matter. I desire to stand upon the Constitution, your only rock of safety, in this terrible future, glimpses of which are opening upon us,—to stand there, because I think I can stand there safely, and nowhere else.

When I said that John Rutledge, of South Carolina, was the man who reported the grant of power in the one clause, but that he did not report any such grant in the other clause, I had not exhausted the argument. The clauses underwent another scrutiny; they passed another ordeal. This matter was committed to a committee of eleven for revision. It came back in essentially the same shape. Who was upon the committee of revision? Charles Cotesworth Pinckney, of South Carolina, was one of that committee of eleven. His attention had been drawn to this subject, the reclamation of fugitive slaves, for he had not only taken part in the discussion of the subject on the 28th, but he was the individual member who first introduced it to the notice of the convention. If he wanted a grant of power, he knew how it was to be expressed, for the clause in which the grant of power was inserted on the same day that the fugitive from labor clause was adopted, was also before that committee. James Madison, a sound and a keen constitutional lawyer, was one of that committee. Luther Martin, of Maryland, was also of that committee. If ever there was a strict constructionist, Luther Martin was one; and he also, as well as Mr. Madison, was a sound constitutional lawyer, as the gentleman from Virginia, (Mr. Bayly,) who reviewed this matter the other day, will allow. If the committee intended a grant of power, would Luther Martin have left it to be implied, and that, too, in such a manner that it requires your optics to be sharpened by a judicial decision to discover the implication? Williamson, of North Carolina, was also of that committee. Here were men who would look to the interests of the South, and if they meant a grant of power, express a grant of power. Why did they not do it? Why did they not put it there? They have not put it there. Perhaps they did not want it; perhaps they wanted the power, but knew they could not have it. One or the other is the natural and true interpretation. This clause came from the ordinance of 1787, passed by the congress of the confederation, — a clause that there should be no slavery north-west of the Ohio, and that a fugitive flying from labor into that territory should be delivered up.

That was a compact, and that compact we could not fail to understand. It contained no grant of power. It is not materially changed as to this point. Trace out its history; it is easy to find what that compact was, and whence it came. It was copied from an old New England compact, made in the year 1642, between Massachusetts Bay and her neighbor colonies. Afterwards, substantially the same compact was renewed, and extended a little further, but granting no power, — simply an agreement to return each other's runaway servants. This is the whole history of it. Nathan Dane copied a familiar provision of New England policy from those old contracts into the ordinance, which made the whole North-west free soil forever.

Mr. Jefferson, in 1784, attempted to make all the territory then belonging to the United States free soil. He attempted to exclude slavery by an organic ordinance from Alabama and Mississippi, and all the South-west, as well as the North-west. It was defeated by the vote of Mr. Spaight of the State of North Carolina. If Spaight had been a Jeffersonian democrat that day, there would have been no slavery west of the Alleghanies. Mr. Jefferson proposed to exclude slavery, but did not provide for the rendition of fugitive slaves. That was Thomas Jefferson's plan in 1784.

[Here the hammer fell.]

CHAPTER X.

MR. RANTOUL'S BRIEF CONGRESSIONAL CAREER.—ELECTED A DELEGATE TO THE BALTIMORE CONVENTION.—THE PROCEEDINGS OF THAT BODY. —HOW REGARDED BY THE FREEMEN OF THE UNITED STATES.—HOW LOOKED UPON BY HIMSELF.

The rights of man in the social state, were, perhaps, never better understood, more highly prized, or eloquently defended than by Robert Rantoul, Jr., from the commencement to the close of his political life. His love of liberty was not an idle and empty sentimentality, or the assumed fervor of a self-seeking partisan. It was the earnest and entire devotion of his soul, an inextinguishable flame, which, when he ceased to breathe, ascended to shine forever, a star in the firmament of freedom; and multitudes, of the present and future generations, shall look up to it for guidance and courage in the often dark, and always rough and rugged, path of political duty. It was this path which he trod from beginning to end, with a fearless and unswerving step.

Born and educated in a section of Massachusetts where political principles antagonistic to those which the noble aspirations of his youth, and the ripened judgment of his manhood, led him to adopt, and which his genius preëminently qualified him to sustain, he was involved, through the whole of his political career, in a sturdy and unflinching conflict with opposing advantages, belonging to his opponents, which they deemed unconquerable. But he proved that there was a power familiar to him, but sometimes overlooked by politicians, which no entrenchments of party, whether of wealth, or fashion, or numbers, can long withstand. That power is *honesty*,—a true and heartfelt purpose to do right. Political power may erect its batteries of cannon, but moral power wields the lightning and thunder of heaven.

Essex county had been celebrated for the bitterness of its hostility to democratic opinions, identified, as they were, with the anti-commercial and war measures of the administrations of Jefferson and Madison; and this hostility, excited to the highest degree by many of the ablest federal partisan leaders, was felt in the full strength of its original violence, by a vast majority of the people in that section of the State. It is true, that the measures of the democratic administrations above referred to, fell, with a crushing weight, upon the great and immediate interests of Essex county, whose wealth hardy and adventurous enterprise had gathered from the ocean. The interests of no part of the Union were more completely identified with freedom of navigation and commerce; and, perhaps, no equal population on any part of the seaboard suffered so much from the interruption, or, for the time being, annihilation, of their accustomed pursuits. It followed, therefore, that political opinions, zealously advocated by the most talented whig leaders, came to be considered by the people, as enforced by their sufferings, until they took deep root; and, long after prosperity returned, they were almost as invincible as they were prevalent. Neither the brilliant naval victories which marked the course of the war, nor its splendid and triumphant close in the battle of New Orleans, could cause the people of Essex to forget their losses and sufferings, which the madness of party ascribed to their own free government, rather than to the tyrannical injustice of Great Britain. They persisted, however, in maintaining their well organized antagonism to the democracy of the Union.

This prestige in his native county, against the principles and measures of the democratic party, presented an aspect sufficiently discouraging to a young man of Mr. Rantoul's opinions; and he foresaw that only indomitable labor in the course he had defined for himself, could place him in a position suited to his generous and philanthropic views of the duty of an American statesman. It seemed as if the sin, if it were a sin in one so distinguished by intelligence and uprightness as his father, leaving the ranks of the federal party to support the democratic administration of Andrew Jackson, was visited, with redoubled injustice, upon the son. It is certain that the latter had to face an opposition, which for its violence was unparalleled in the history of any other man in Massachusetts. It had no intermission from the commencement to the close of his political life. It is, however, only the intelligent, the bold, the talented, the true in a good cause, to whom opposition is made. The timid, the weak, those who are ready, in seasons of trial, to compromise their principles, need fear no harm. They are safe in their impotency.

That Mr. Rantoul early looked forward with a high moral aim, to political life, cannot be questioned. He duly weighed the difficulties to be encountered, and set himself resolutely to the work of removing them. One of the greatest of these, in Massachusetts, was the apathy of the democratic party itself. It had dwindled down to a narrow and powerless minority, which presented scarcely a shadow of opposition to the most ultra whig legislation. To reanimate the sentiments of liberty slumbering in the breasts of its people, required the best efforts of its best friends. The few recipients of the favor of the general government in Boston, and two or three other large towns, were content with their wages, and cared not how small might be the number of competitors for them. This state of things remained until the sledge-hammer blows of David Henshaw resounded upon the falling idols of whig adoration, and not only alarmed the worshippers, but aroused the democracy. All honor to the memory of that bold, shrewd, practical, strong-armed champion of the people! To him, immediately before Mr. Rantoul entered on public life, belonged the honor of leading the forlorn hope of the democratic party in Massachusetts. To increase their number, to fill up their ranks, and place them in a position for a fair contest with their opponents, was a service, for which the brilliant talents, the thorough knowledge, and glowing eloquence of Mr. Rantoul preëminetly fitted him. Without the sacrifice of principle, without turning one hair's breath from the straight path of duty, he met the difficulties he had foreseen, and conquered them. He triumphed at last, nobly, gloriously. Nay, his whole political career was a series of victories.

It has already been seen that the democratic measures of reform which he introduced in the Massachusetts legislature, and eloquently sustained, have been, with a few exceptions, adopted and carried into successful practice. Those now demanded of the convention, called for the revision of the State Constitution, were seen by him to be necessary, and on various occasions ably advocated.

Mr. Rantoul was a candidate for representative to congress, 1838, and was afterwards unanimously nominated, several times, previous to his election to that office in 1851. In August of that year, he was chosen by the legislature to fill the unexpired term of United States senator, vacated by Mr. Webster accepting the office of secretary of State. Mr. Rantoul entered the senate under circumstances highly honorable to himself, and at the same time extremely unfavorable to his cordial reception, or his just appreciation by that distinguished body. The second session of the Thirty-first Congress was near its close; and, although his reputation for various and accurate knowledge, and for high accomplishment as a debater, had preceded him, so, too, had the malevolence of his enemies, and their misrepresentations of his principles. The democratic party of Massachusetts had been strengthened and rendered victorious by the union with it, for purposes chiefly of State reform, of thousands of other good men and true, who, besides, had resolved, that, with their consent, there should be no further extension of slave territory, or its continuance where the constitutional powers of congress can reach and extirpate it. By the democratic party of Massachusetts thus constituted, the only democratic party existing within her borders, through its regular organization and its constitutional authorities, Mr. Rantoul was elected United States senator. No man with a better understanding of his obligations, or with a truer purpose to fulfil them, ever took the oath of fidelity to the Constitution of the United States. He took his seat, as a member of that body, on Saturday, February 22, 1851. But neither the sovereign right and authority of Massachusetts, constitutionally expressed, nor the unimpeachable integrity, nor the well-known and able services of Mr. Rantoul, as a sound and thorough democratic legislator, could save him from encountering, in a body which claims for itself the highest legislative character in the world, the most narrow, ill-founded, and unjust prejudices. For the honor of the country be it said, these prejudices were not universal in that branch of the government. Individuals there of the highest distinction, whose moral sentiments revolted at injustice, received him with open arms and cordial welcome. In the senate, he availed himself of but two or three opportunities to speak, and then with great brevity, and only to give information, or reasons for his vote, which others had overlooked. He was qualified by genius, by knowledge, by all the acquirements befitting a statesman, to meet the ablest there in any discussion involving the principles of legislation on the domestic or foreign relations of the government. But of him it may be said in the words of Pliny, — "*Neque cuiquam tam statim clarum ingenium est, ut possit emergere, nisi illi materia, occasio, fautor, commendator que contingat.*"

No fit opportunity was given Mr. Rantoul to speak, as he intended, on the great topics, which had ever been most deeply interesting to him, either in the senate or the house of representatives. Of the latter body he was elected a member from the second district of Massachusetts, and took his seat at the commencement of the first session of the Thirty-second Congress. Those great topics to which he had given the best thoughts, the indefatigable study of his youth and manhood, were the principles which form the basis of all just laws regulating trade and commerce, as well as those which facilitate intercourse between distant parts of the Union, and between the United States and foreign nations. It was on subjects of this nature, that depended for illustration on the facts of history and well digested statistical knowledge, the result of wide and patient research, and mathematical accuracy, a kind of information, in short, essential to the accomplished statesman, that he displayed the elevated intellectual and moral character of his mind, and the singular weight and value of his influence as a legislator. Had he lived to give his reasons, with his accustomed eloquence, for his well-known opinions upon the tariff, the currency, and other kindred topics, to which he had devoted many years of active and profound investigation, he would have won accumulated honors from his countrymen, and have added fresh laurels to his coronal of fame.

He believed that the generous and life-giving fruits of the highest civilization depended on freedom of trade and intercourse between the different nations and communities of mankind; that the asperities of tribes, races, and sections which divide the world, would be mitigated, and that wars would cease, so soon as the advantages of unembarrassed intercommunication should be generally enjoyed, and the untaxed commodities of different countries could be freely exchanged. It was because he believed a democratic government would prove most favorable to these objects, so interesting to humanity, that he was a democrat. His political course had its principles laid deep in the soundest philosophical and philanthropic views of the relations and duties of man in the social state. As a politician, he united with an inflexible honesty, depth, solidity, firmness, and vital power. He was not one of those light bodies that float upon the stream of party, whose emptiness gives them buoyancy, and whose adaptation to the whirls and eddies of the political current enables them to catch what is their only aim, the mucky prizes upon its surface. He was more like one of those noble steamers, animated with intelligence, whose capacious and deep freighted bulk ploughs the waves of the western waters, bearing, from tributary States to its destined port, the bounties of nature and the productions of industry and science.

KOSSUTH.

On Tuesday, December 30, 1851, a resolution offered by Mr. Carter, of Ohio, in the United States house of representatives, gave rise to one of those disorderly and disgraceful debates, which have too often been witnessed in that body. The resolution is in these words:—"*Resolved*, That a committee of five be appointed by the Speaker, to wait upon Louis Kossuth and introduce him to the house of representatives."

Of the speeches made on that occasion, as reported in the Congressional Globe, some of which were of considerable length, the few remarks offered by Mr. Rantoul alone present that just view of the subject, which satisfies every demand of patriotism and philanthropy. He presented Kossuth to the courtesies, not to say the homage of the nation, as the champion of the liberty, the independence, the rights of his own State, instead of admitting that State to be a mere fractional part of the domain of a despotic empire, — the champion, in short, of State rights, as understood by the founders of the American confederacy.

REPORT OF THE SPEECH OF MR. RANTOUL.

I desire to say, that I shall vote for this resolution, not because I consider Louis Kossuth to be identified with the great cause of European liberty, — although I sympathize strongly with all who are the champions of that cause, — nor simply because he stands before the country as a champion of national independence, although there is no holier or higher cause in which man can be engaged than that; but because he comes here the representative of a principle heretofore almost peculiar to our own institutions. The case of Hungary is the case of a sovereign independent State united with other States under one common executive, for limited and specific purposes, that sovereign State reserving her own rights; and Louis Kossuth stands here before the country, the first European that ever stepped upon our shores, the champion of State rights. It is that principle which he personifies, and no other man ever came from the Old World that could be said to personify it. That is the highest claim which he has upon my regard, and, as I believe, upon the regard of the civilized world. What was the case of Hungary for several hundred years? She had constituted a part of a confederated empire, — she had had her own rights, and guarded them with jealous care, and she had her separate State independence and sovereignty, which perished through the encroachments of the central power; a power created originally under express limitations. If this republic shall go the downward path which every republic has gone whose history has been written, from what cause will it perish? I stand here to welcome Louis Kossuth, because I love this Union, and pray that it may be eternal;

but I see in this government a symptom of mortality, — and what is it? If this government shall perish, it will perish by the encroachments of the central power upon the reserved rights of the separate States. And here stands a man whose whole life has been devoted to the vindication of State rights against consolidation and centralization. That is the principle he embodies, and it is for that we should welcome him here, if we welcome him at all, — as I trust in God we shall do cheerfully, and with our whole hearts.

Now, what is the reason liberty has been impossible in Europe, from the earliest times down to the present day? Simply because they have had no contrivance there for dividing the powers of the government among many different administrations. How was it that that great man, — the apostle of liberty in two worlds, — and his companions failed to establish constitutional government in France? For one reason, and one only; and that is, because all the powers of the government are intrusted to one central power; and that power must, of necessity, be altogether too strong for liberty to exist anywhere.

And, Sir, when I see here in this country the universal tendency of power to attract to itself all power; when I see that there must some day or other come up the question, Shall this cluster of republics cease to be a cluster of republics? Shall it become a national government? When I see a party sometimes calling itself national, because it carries national powers further than other men are disposed to carry them; when I see such tendencies, — I allude not to the present time particularly, but to different periods since the formation of the government, — when I see that that is the great danger against which every man in this country ought to contend, who desires the preservation of our institutions; and when I see here a man who has devoted his life, his energies, his genius, — a genius which I will not now pause to characterize, for I trust all around me appreciate it as I do, — a man who has devoted all the powers that God has given him to the single purpose of defending the institutions and independence of his country against the central power of the federal government, I ask myself, Is it possible that any man who sees in the rights of the several States the bulwark and safeguard of our liberties, can for a moment hesitate to welcome such a man? The mystery is to me incomprehensible. I confess I cannot fathom it; and nothing that I have yet heard in the debate upon this floor has given me any assistance in understanding what is at the bottom of this unwillingness to welcome our brother, our friend, our compatriot, in the defence of that great principle which lies at the foundation of all our institutions.

If, Sir, Louis Kossuth had not been brought here in a government ship, — if he had come in his own vessel, at his own expense, — if he had never been heard of except as the champion of the principle which I have already specified, — that alone would have been claim enough on me. And when such a man has been brought here at the national expense, are we to stand parleying while he is at the door, and debating whether we will let him in, or shut him out? What new light have we on this subject? Are we to say, that by admitting Louis Kossuth we sanction all the opinions that he has ever uttered? If that be so, we never should have invited him here. He had uttered a good many opinions before he came to this country, in which I for one could not agree with him. But I say, that we must take the man as the glorious representative of a glorious cause. As such we can take him to our hearts, differ from us as he may, on a great variety of questions, and important questions too, that may arise. All honest men, having sound intellects, do differ. When I find two men agreeing precisely in opinion, I take it for granted that they are either both fools, or that one of them is a fool and is controlled by the other. This man has a right to his own opinions. Let him express them, and express them fearlessly. I do not say by my vote that I indorse any of his opinions. I simply say that I glory in welcoming to America, the peculiar champion of the great principles of American institutions.

SLAVERY.

In Mr. Rantoul's speech in the house of representatives, June 11, 1852, he said, "I have not opened my mouth before this house in any allusion to the subject of slavery, except in reply to a direct attack upon me. Again and again have I suffered such attacks to pass without notice." "I have been sitting here since the commencement of this session, listening to denunciations of agitation and agitators upon a certain subject, which has been handled a great deal upon this floor. 'Cease this agitation! Quiet the distracted country!' That has been the cry." This cry was, indeed, raised so vociferously, reiterated so constantly, insisted upon so uproariously, with such loud, commanding, angry tones, that it seems almost incredible, if it were not indisputably true, that the very members who said they would have quiet, were the only ones, and they chiefly from the South, who raised the disturbance, and lashed the "waves of agitation." Such was the frenzy of the time; first, producing the enactment of the fugitive slave law, that new, and for the present, successful whig attempt at consolidation, and monstrous violation of the Jeffersonian rules of interpreting the Constitution of the United States, and then breaking out into passionate denunciations of all whom the law offended by its despotic character. Members of the house, of the senate, and of the cabinet, might agitate as much as they pleased *for* the law, and this was no agitation whatever; but let a word be spoken *against* the enactment, and not the "crack of doom," nor the explosion of earth's central fires, upheaving the ocean and the land, could spread wider consternation, or excite more holy horror of danger to the Union.

There is a party in this country, which, for the want of something better to sustain it, has contrived to thrive upon panic, and never has it manufactured a more successful one, than the fugitive slave law panic. This, too, is doomed to be as short-lived, and ultimately to plague its inventors, as much as the others. This enactment will fall. It will be swept away by the slow rising, but at last, overwhelming tide of democratic opinion. The slave-holding states themselves will demand the repeal of that law. They will, as an instinct of self-defence, repudiate the doctrine that congress, without a change of the Constitution, has any right to legislate on the subject of slavery in the States; for if the right exists, who shall limit the use of it? The only safety of the South is most clearly in a return to the strict construction of the Constitution. If southern institutions in relation to slavery, depend upon nothing more certain than a majority vote of congress, their day is destined to a speedy decline, and nothing in the form of earthly power can save them. Are they worth saving?

On the 23d of January, 1852, Hon. G. T. Davis of the Sixth Congressional District of Massachusetts, in a speech in the house of representatives, referring at first to the Mexican indemnity bill, ventured rather rashly, considering his own previous coalition with the ultra-abolition party, to bring the charge with much vehemence and loud denunciation, before the face of heaven and earth, of corruption against the union of the democrats and free soilers to overthrow the whig party in Massachusetts. The coalition of this gentleman with the abolitionists, the coalition of the whig party through a long series of years, with every form of what is called anti-slavery movement, was all innocent, harmless, and holy. But any coalition against the whigs, being a coalition against "all the decency," all the intelligence, all the purity in the world, must, from its very nature, be an abomination fit only to be anathematized. So, however, it appears that Mr. Davis regarded the matter; and he thought it necessary, accordingly, to denounce all who favored this anti-whig coalition. The next day, January 24, Mr. Rantoul replied to this attack in a speech, of which the following is a report from the Congressional Globe.

Mr. Rantoul said: I do not propose to enter at all into the general merits of the question before the committee; indeed, I would not have troubled the committee — as I am always very unwilling to do it — with any remarks of mine, if there had not been cast upon my native State an imputation so serious as to demand immediate notice from me. A majority of the people of Massachusetts are involved together in an imputation which, it seems to me, the honor of the people of that great State, without distinction of party, requires should not, when it is thus cast upon her by a representative of one of her congressional districts, on this floor, himself a native son of hers, be suffered to pass unrepelled. The imputation is one of corruption, — not, as I understand it, upon a few leaders of a single political party, but upon a vast majority of the voters of the Commonwealth of Massachusetts, — of a State which has stood so high in the history of this country from the time when this country began to have a history, and which I am proud to believe has never forfeited her pristine rank in the glorious sisterhood of confederated States. That such an imputation upon the people of such a State should be noticed upon this floor as soon as it is made, seems to me so plain that I should think myself without excuse if I kept my seat under such a call to speak here. Sir, Massachusetts bears a name too resplendent with the glories of her colonial and revolutionary history to be questioned by her children. She has maintained her high standard of patriotism, and virtue, and honor, too long, too uniformly, too brilliantly, to have it supposed for a moment that a true son of hers would endure to see her fair fame sullied without rushing to her defence.

Sir, the imputation of corruption is made here upon two political parties, which the gentleman estimates to contain forty-three thousand in the one party, and twenty-eight thousand in the other, — a majority, according to his own calculation, of the voters who take sufficient interest in political matters to present themselves at the polls. That is the charge, and it is to that that I address myself. And first, let me answer as to that portion of those voters with whom I am directly and politically identified, and have been for more than a score of years, through a series, scarcely paralleled, of hard-fought battles, — I mean the democratic party of Massachusetts. But before going into the details of this matter, let me make one general observation, and I shall appeal to the knowledge and consciousness of every man that hears me, whether I am justified in what I am about to say, and that is, that if there be any political party in any State in this Union whose history places it above the suspicion of corruption, from its peculiar position, it is the indefatigable and indomitable democracy of the State of Massachusetts; because there is no party in any State in the Union that has stood up against such odds, against such disadvantages, against such actual losses and sacrifices, as the democratic party of Massachusetts, and every man in that party, has confronted and sustained for very many years past. Why, who are the democrats of that State? The laboring men of the State, and some men of talent who are not laboring men, but who are not men of capital or property. And against whom are they contending? Against the whole aggregate mass of the capital of New England, concentrated in the eastern portion of the State of Massachusetts. That is the position of the two parties. Now, I ask, if there be corruption in the State of Massachusetts, — and I do not deny that there is corruption, more or less, everywhere, in every State and nation under heaven, — but if there be corruption in the State of Massachusetts, where is it? *Prima facie* the answer is a pretty plain one. The corruption is where the means of corruption exist. There are several hundreds of millions of capital piled up in and about the city of Boston. There is no other such aggregate of wealth in so few hands on the American continent; and if there be corruption there, it is that vast, unequalled mass of capital that purchases whatever is venal. This capital, like all other capital, is, by the instincts of its holders, adverse to democratic principles. Conceive the effect of this on the position of political parties. The democrats are mostly of the laboring classes. I do not say that there is bribery there; but I say that if there be, it is the rich that bribe the poor, and not the poor that bribe the rich. Upon that position, then, I start in this examination. The democratic party of Massachusetts consists of men who stand up against their own individual interests; and this every man may know that will pass through that State, and not shut his eyes to facts around him. Is there an operative in a factory there who does not know that this place is less secure to him if he votes the democratic ticket than if he votes the whig ticket? Is there an agent in a factory who does not know the same thing? Is there a porter, or stevedore on a wharf who does not feel his certainty of future employment sensibly diminished if he is known, nay, if he is even suspected, to be a democrat? Is there a storekeeper there, not a whig, who does not know that those who would be his best customers, pass by his door because he does not happen to be of the same politics, and that the customers whom he gets in their place do not expend with him such large sums of money? Is there a physician, or a professional man of any kind, who does not know that he makes heavy sacrifices if he adopts and professes the so-called heresies that have been so unpopular formerly with the powerful in Massachusetts? Is there a lawyer of any talent, who is a democrat, who does not know that he could quadruple his practice by simply professing to be a whig? Clergymen, physicians, laborers, tradesmen, — all classes of men make sacrifices by belonging to the democratic party. No mortal man in Massachusetts ever made sacrifices by joining the whig party, but tens of thousands of democrats have sacrificed a large proportion of their means of support by standing up to what they believed to be sound, and true, and right. That is the position of the democratic party of Massachusetts, and that has been its history from its commencement down to the present time. Against this party particularly is the charge of corruption aimed, and what is the ground of that charge? It is brought down to the alleged fact of a coalition.

Before going into the character of the alleged coalition, let me ask, are coalitions in themselves wrong? Is it wrong that those who seek a common object, should coöperate to effect that object? Am I to stop to inquire whether my neighbor thinks as I do upon all questions, — all important questions, if you please, — before I act with him upon any one important question? If the capitol is on fire, and the engines in the rotunda, and not men enough to man the brakes, must I refuse to fall in and help to work for the salvation of the common interest, and to extinguish the conflagration, because there happens to be a man at work there for the same object, who entertains different sentiments from me, on religion, for instance, the most important concern of man, — he being a Catholic, and I a Protestant? Every man will say at once, that the man would be an idiot who would suffer his energies to be paralyzed by scruples against the coalition in such a case, though it might be a coalition with atheists and drunkards, polygamists and monarchists. I hold that, as a general thing, for those to act together who desire a great public object, impossible to be accomplished without their union, shows that they are men of sense, and understand how to effect their object. What do all these men who cry out against the alleged coalition in Massachusetts do in respect of coalition among themselves? Do they isolate themselves? Does each man stand apart from his neighbors with whom he differs on any important question? If they did, there would be no parties in this country, from one end of it to the other, and no government; for without combinations of men differing widely from each other, constitutions could never be adopted, nor governments carried on, nor even established, and freedom would expire in universal anarchy.

But to come now to the precise question raised by the charge of my colleague against Massachusetts: is a coalition between men who do not oppose the compromise measures, and the fugitive slave law particularly, with men who do oppose them, an unholy coalition? If it be, where and since when was that discovery made? Was it by the whig party in the State of Missouri? Has Missouri been denounced again and again upon this floor, by whig gentlemen, because the gentleman (Mr. Geyer) who holds his seat in the other branch of this congress, was elected by a coalition, as I understand it, of those who favored and those who were opposed to the fugitive slave law, and the compromise measures, in the State of Missouri? Is it in the State of Wisconsin, where the gentleman nominated by a free soil convention, and known to concur in their views, was elected, and the whig papers, from one end of the country to the other, set up a shout of triumph, at the whig victory in the State of Wisconsin? The free soil candidate of the free soil party was elected, and hence it was, as one would suppose, a free soil victory. But is a whig victory a free soil victory? Are they one and the same thing? The gentleman says they are not the same, but very different things; but yet there is no outcry of indignation against Missouri, or against Wisconsin for these enormities, but much applause, because a coalition has given to whigs a share in the distribution of office and power. There is little to be urged against Ohio, or New York, or Georgia, but a great deal against Massachusetts. And why? I do not know, unless it is because her own sons contribute to heap imputations of dishonor on Massachusetts, on this floor, because the stab from the parricidal hand rankles most sorely, and stimulates the malignancy of strangers to follow up the blow and add fresh venom to the wound. I do not know why else she is made to bear the sins of all the other States, — why else she is to be the "scape-goat" for all the other coalitions in the United States. Are not we in Massachusetts at liberty to judge of our own political position, and political course, as well as gentlemen in Missouri, or Wisconsin, or Ohio, or in New York, or anywhere else in the United States, — in Mississippi, or Georgia, or any other State? Is it so clear that in any section of the country, — east, west, north, south, or central, — is it, I say, so clear that gentlemen, who call themselves by the same party name, agree upon these very questions? Is it so clear that, in South Carolina, or Alabama, or Mississippi, the democrats all agree about this fugitive slave bill? Do not some of them say that it is constitutional, and others that it is unconstitutional? Do not some propose one course of action, and others precisely the opposite course of action with regard to it? Yet, day after day, with an insolence countenanced by her own sons, Massachusetts is denounced upon this floor, and no other State but Massachusetts, — a State having a right equal to that of any other sovereign State in this confederacy, to determine what she considers right and proper, and what course she deems best to pursue in her own domestic affairs, and for her own good government. Why, the gentleman from North Carolina, (Mr. Stanly,) thinks he would not go to heaven with democrats like those of Massachusetts, — he could not bear to tread the same path. Sir, he has not trod our path heretofore, and we therefore had no reason to expect his company in the strait and thorny way at this time; but because he refuses to join us, we shall not the less firmly press on, and not the less safely arrive at our journey's end.

Massachusetts, I say, has the same right to manage her own political affairs, in her own way, with that of any other State in this Union. And she has not only the same right, but she has the same ability, energy, and determination to maintain that right, with any other State, and she will maintain it, at home and abroad.

But I am not going to take my stand behind the dignity of the State of Massachusetts, and say that she does what she pleases, and she will not give an account of what she does. I stand ready here to-day, — what I have never done before in public, and what I would not do now, if I did not feel particularly clear and particularly free from doubt that I am doing right in what I am doing, — to indorse the coalition in Massachusetts. I believe I understand what it was, and what it did, though I was not present at the time it was entered into. I was in the State of Illinois. But after my return I heard what had been done, and I am now in the condition of an impartial looker-on; and being thus free to take my own course, I can say, and do say, that I think it was eminently wise and patriotic in the majority of the people of that State to take the government of the State out of the hands of the minority, however unpleasant to the minority that proceeding might be.

Before proceeding to discuss the propriety of that movement, and of the masterly combination by which it was made, let me, however, inquire for a moment, who it is that makes the charge of corruption against the coalition in Massachusetts? My colleague from the sixth district (Mr. Davis) undertakes to read lectures to the democracy and free-soil party because they act together in Massachusetts. That is all. He has not impeached them for their acts, but only for their concurrence in those acts. He has not singled out any one act of those parties, except that of acting together. That he considers a violation of political principles. I have a right to presume that all our great measures were right, only that it was wrong for us first to agree to do right, and then to do it. He has not accused us of voting for any law or any resolution, but he has accused us of appointing men to office. He has not accused us of appointing bad men. He has not said that the offices are not better filled now than they were when the whigs were in power. If he had, I should take issue with him upon that proposition. He has not designated one single act of these parties, but he has designated this coalition itself and *per se* as offensive to his political sensibilities.

And now, what does my friend from the sixth district mean by charging upon the democrats a breach of political honesty in acting with those who agree with them upon certain particular points of action, — in electing the governor, lieutenant governor, and other officers of State administration, and in passing certain measures of reform, in which the democratic party has been engaged for fifteen or twenty years past in Massachusetts, but which they had not accomplished, and could not have accomplished, without the aid which he thinks they ought not to have received, when it was tendered? Does the gentleman from the sixth district believe that it is wrong for a free-soiler to act with a whig, or a whig with a free-soiler? To make my question more definite, and more pertinent to his own position, does he believe it wrong for an *abolitionist* and a whig to act together? He must have undergone a transformation of heart and character as sudden, as entire, and as far beyond the reach of natural causes as that of Saul of Tarsus, and that, too, quite recently, if he does not believe such common action to be honorable and justifiable. Then why does he attack this coalition so furiously? This is a new thing compared with the old, standing coalition of the State of Massachusetts, in virtue of which the whig party has retained its power for the last twenty or thirty years, by carrying with it the votes of those whose feelings toward the institution of slavery were not of a very favorable kind. They are the gentlemen; those influenced by their dislike of slavery were the gentlemen who kept the whig party in power in Massachusetts from the time when it came in by the amalgamation or coalition of 1825, till the time when it went out by the coalition of November, 1850, continued in January, 1851. If, then, it be wrong for a party opposed to the compromise to coalesce with a party in favor of the compromise, I tell this committee that such a coalition, — such in principle, for this coalition in Massachusetts does not date only from the passage of that law, — I say such a coalition has kept the whig party in the State of Massachusetts in power down to the time when they went out of power. And a pretty prominent actor in that coalition was the gentleman from Massachusetts, (Mr. Davis,) who charges the damning sin of coalition upon the democrats of Massachusetts. Now, I am not in the habit of speaking in relation to matters of this kind without the evidence before me. Therefore, in order to substantiate my charge of this coalition between the whigs and abolitionists of Massachusetts, I shall single out the history of the gentleman from the sixth district in connection with this matter.

In 1835, my colleague (Mr. Davis) was a member of an anti-slavery convention of the county of Franklin, Massachusetts. Gentlemen will see that I have begun far enough back, so that my colleague cannot complain that I have not treated him fairly by not exhibiting his whole course on this subject in its just connection. I will remark, that this was not a free-soil convention, but an abolition convention. Some gentlemen may think the distinction rather a nice one; to those concerned it seems vastly important. This was a meeting of abolitionists, for the purpose of organizing one of those anti-slavery societies commonly called abolition societies. The published account states, that Mr. George T. Davis read the call for the convention, and was elected one of its secretaries. The organization of the society was proceeded with. A Constitution was adopted, the second article of which defined the object of the society, which was declared to be "*the entire removal of slavery from the United States!*"

[Cries of "Read it!" "Read it!"]

Mr. R. I cannot undertake to read all to which I refer, but the committee will be satisfied with extracts, for there will be a large number which I shall read.

It was a pretty large undertaking for a young man, but young men are always ambitious and sanguine. But it seems in 1835, my colleague undertook the entire abolition of slavery in the United States of America. I confess that it is somewhat more than I should have felt myself called upon to perform in the county of Franklin, in the year 1835. If I had felt a tendency that way, an inward call to that mission, I should have placed the bounds of my ambition within decidedly narrower limits.

The third article of that Constitution pledges the members to "labor for the abolition of slavery in the District of Columbia, and in the territories of the Union by all constitutional means." A resolution adopted at that meeting declares that "slave-holding, as it exists in the United States, is *sin*, and ought at all times to be regarded and treated as such." And another resolution declares what my southern friends will be glad to know upon this high authority, that "immediate emancipation would be without danger to the white population." Of the society thus formed, George T. Davis was elected treasurer.

These were the sentiments of my colleague in 1835. In 1838, on Tuesday, October 2d, "a convention of the young men of Massachusetts, who are the friends of immediate and universal emancipation," met at Brinley Hall, Worcester. Perhaps my friend from that district (Mr. Allen) imbibed his principles there, and on that occasion.

Mr. ALLEN. I beg to say, that that meeting goes much further than I ever went or am prepared to go.

Mr. RANTOUL. Then the gentleman from Worcester, it seems, did not learn his whole lesson, as the teacher (Mr. Davis) was then and there prepared to impart it. The proceedings of that meeting, published officially in the Boston Liberator, edited by Mr. Garrison, state that Mr. George T. Davis, of Greenfield, was elected president *pro tempore.*

Then the committee to nominate officers reported —

[Cries of "Read!" "Read!"]

Mr. R., (continuing). "The committee to nominate officers reported, and the following gentlemen were elected: President, George T. Davis, of Greenfield;" and then follow the names of ten vice-presidents, and three secretaries. Among the resolutions adopted at the meeting which elected Mr. George T. Davis president of this abolition convention, were the following: —

"*Resolved*, That the man who sits still in congress and permits our rights to be trampled upon and our lives to be threatened by southern slave-drivers, in silence, does not faithfully represent the freemen of free Massachusetts."

I rejoice to know this from authority which cannot mislead me, because I am in daily expectation of that burst of eloquence which is to carry out this principle, from the gentleman from the sixth district. The freemen of free Massachusetts have at last a representative now who will not represent them in silence. The next resolution is in these words: —

"*Resolved*, That the senators of this Commonwealth, Daniel Webster and John Davis, did so conduct, when that infamous threat of death to any abolitionist who should set foot in South Carolina, was uttered on the floor of the United States Senate; that we regard their silence, on that occasion, with the deepest indignation; and that we wish we could say of both, as we can of one, "'distinguished, but not born in Massachusetts.'"

My colleague from the sixth district, in the overflowing of his heart, thanked God that he was not obliged to confess that Daniel Webster was a native of his State. That is the meaning of this resolution. He wished he could say of John Davis, as he had of Webster, "*distinguished, but not born* in Massachusetts." Here is one count in the bill of indictment against a learned gentleman who occupies a seat in the other hall of this capitol,—that he stated that Millard Fillmore "had better never have been born than to have signed the fugitive slave bill." Why should the member from the sixth district complain of that expression on the part of the gentleman alluded to, when he thinks it a matter of rejoicing that Daniel Webster was not born in Massachusetts? Why, if I wished a man had never been born in Massachusetts, or if I exulted that a man had not been born in Massachusetts, I would go a little further, I think, and wish that he had never been born at all.

The next resolution is in these words:—

"*Resolved*, That the people of the United States, and their representatives in congress, are morally bound to abolish slavery in the District of Columbia and national territories, and to prohibit the inter-State slave-trade."

And another:—

"*Resolved*, That all legislative enactments arraying the civil and military power of the nation against the slave, are an outrage on humanity, a violation of morality and religion, and therefore null and void; and that we will never return a fugitive slave into bondage, nor bear arms to keep him from his inalienable rights."

I do not know precisely what that means; but I should suppose it to include the idea that, in case of domestic insurrection in any part of this Union, these gentlemen resolve they will not take up arms to aid in the suppression of that insurrection. It asserts, also, that laws like the fugitive slave law are null and void by the higher law.

What comes next?

"*Resolved*, That it be recommended to the people of this State to petition the United States senate, praying them not to advise and consent to the appointment of any person as a minister from this country to any foreign court who is a slave-holder, because such representatives degrade the American name and character abroad, and make republicanism a hissing and a by-word before the civilized world."

This is almost a fair offset for the solemn league and covenant of similar proscription against the non-sustainers of the compromises.

Well, Sir, the other proceedings of that meeting are somewhat interesting, especially the resolution which speaks of "the visit of our *dear friend*, George Thompson, to this country." And the resolution which assures him he shall "receive the support and countenance of the whole body of the young men of this Commonwealth." I trust my friend has not escaped from that category, and is still one of the young men of the Commonwealth, young enough to countenance our dear friend, George Thompson, — "shall receive the support and countenance of the whole body of the young men of the Commonwealth, now represented in this convention." The secretary was instructed to forward a copy of these resolutions to Mr. Thompson. William Lloyd Garrison seems to have taken a part with Mr. George T. Davis, in this convention. In the next year of this strange, eventful history, — for I must follow it step by step, — in 1839, October 23d, a meeting was held of the Franklin County Anti-Slavery Society; Elijah Alvord was chosen president, and George T. Davis one of the vice-presidents; and in the afternoon, the president being absent, this George T. Davis presided. He was also a member of the business committee, and one of the resolutions adopted and reported by that committee was as follows. It goes rather strong, as gentlemen will observe: —

"*Resolved*, That abolitionists ought to withdraw all Christian fellowship with slave-holders."

That is a denunciation of coalitions. Still it is a denunciation confined to matters ecclesiastical. The gentleman's practice shows that he had not then arrived at that sublime height of wisdom whence one may look down with contempt on political coalitions, — for down to yesterday he was, though a zealous, thorough-going, consistent abolitionist, engaged in a very close and confidential coalition with politicians who hold in common with him no one of the sentiments quoted from his various resolutions, as I will by-and-by show, if it is indeed worth the while to follow the matter so far.

It was also, on motion of Mr. Boies, "*Resolved*, That we will vote for no man for congress, who is not in favor of the immediate abolition of slavery in the District of Columbia, of the internal slave-trade, and opposed to the admission of any new slave State."

In the year 1840, my colleague from the sixth district was a member of the senate of Massachusetts, and he was chairman of the special committee of the senate of Massachusetts which reported those famous resolves, circulated over all the country, and so often quoted as showing the opinions of the whigs of Massachusetts upon the subject of slavery. My colleague, as chairman of that committee, made an able report, introducing the resolutions which were then adopted. The resolutions were as follows:—

"Whereas, domestic slavery exists in the District of Columbia, under the express authority of Congress, etc.—*Resolved*, That congress ought to exercise its acknowledged power, in the immediate suppression of slavery and the slave-trade in the District of Columbia.

"And whereas, by the Constitution of the United States, congress has power to regulate commerce with foreign nations and between the several States of the Union, in the exercise of which power congress in the year 1808 abolished the foreign slave-trade, as unjustifiable in principle as African slave-trade, and scarcely less cruel and inhuman in practice, is now carried on between the several States: Therefore,

"*Resolved*, That the domestic slave-trade ought to be abolished by congress without delay.

"*Resolved*, That no new State ought to be admitted into the Union, whose Constitution shall tolerate domestic slavery.

"*Resolved*, That our senators in congress be instructed, and our representatives requested, to use their utmost efforts to give effect to the foregoing resolves."

And the governor was directed to send the resolutions to senators, etc.

The report with which the resolutions were introduced was signed by Mr. Davis, and I therefore conclude was written by him, for I take it he is not in the habit of signing reports which he does not write.

In that same year, 1840, a bill was introduced into the senate of Massachusetts, making a change in what is sometimes called the black code, the legislation regulating the rights of negroes. That change was repeal of the preëxisting law, which forbade the intermarriage of whites with mulattoes and negroes. And that reform was brought about by my colleague from the sixth district, as he was chairman of the committee that reported the bill providing for the change. That bill became a law; and I think I do no more than justice to the eloquence and talents of my learned and able colleague, when I say, that, in all human probability, the young white men of Massachusetts would have been denied the privilege of connecting themselves with mulattoes and blacks, (in that interesting relation which the gentleman from the sixth district has opened to them,) down to this day, if it had not been for the disinterested exertions of my colleague from the sixth district.

On the 9th day of October, 1838, a meeting of the Anti-Slavery Society of Franklin County was held, and George T. Davis was reëlected treasurer of that society. If there was corruption at that time, the fund was in his keeping, and he may therefore have had better opportunities for understanding this question of corruption than most of his colleagues who have not had the fortune to be treasurers of abolition societies. Mr. George T. Davis was reëlected treasurer of the Anti-Slavery Society of Franklin County; and among the resolutions passed, are some which contain some rather severe remarks upon the Hon. Daniel Webster, whose position then was not so far from that of this treasurer of the abolitionists as it has been since; as it is now, when the treasurer thinks proper to form a coalition with him.

Now, down to 1840, I have traced this history. Down to 1850 has no change come over the spirit of the dream of my colleague from the sixth district? No, Sir! No, Sir! Judging from all public manifestations I was led to suppose that the sentiments of my colleague from the sixth district, remained, down to yesterday, just the same as represented in the series of resolutions I have just read. If there be any public address in any public meeting in Massachusetts avowing a change of sentiment, I have not seen it, or read it, or heard of it. If there is any communication in any newspaper, magazine, or elsewhere; if there be any communication to the people of Massachusetts who elected the honorable member, informing them that he did not entertain, when he was last elected, the same sentiments entertained previously by him,—from 1835 down,—I have never heard a rumor of them. There may be such; this part of the State is somewhat distant from my home, and I do not pretend to read all that comes out in the newspapers. I say I never heard a rumor, or saw an indication of any change of sentiment on this class of subjects upon the part of my colleague.

But the convention that nominated my colleague for election to this place, ought certainly to know the truth in reference to the opinions of their candidate. They voted for him upon the supposition that his opinions coincided with their own, and they, especially, knew that they were voting for a gentleman so high-minded and chivalrous that he abhors all coalitions. Of course he would not receive the votes of those who differed from him. He would spurn them with a pure indignation. It must, then, be taken for granted that his party coincides with him in his sentiments. The inference is stronger in his case than that of any other man; and if I find out what were the sentiments of the party who sent him to congress at the time when they sent him, I shall find what his views were presumed to be at the time he was sent here, and that, too, by a presumption which he at least is estopped from denying. [Here the hammer fell.]

Of the effect produced by this speech upon the house, it is impossible to give an adequate description. The member from

District Number Six had previously cut, as the hay-makers say, a pretty wide swath for a short-armed man; but his time had come to be cut up himself, root and branch. All who knew the man were surprised at his attacking Mr. Rantoul, as the consequences were not to be mistaken. The members gathered around the speaker with the most intense interest, and even shouts of applause, as his blows fell fast and heavy in vindication of his own position.

What remained of the gentleman from Congressional District No. 6, after Mr. Rantoul's reply to him, was not certainly known for the space of about forty days, when it appeared, that, by great industry, he had sufficiently replenished himself with missiles, suited to his handling, and that the *nunquam sanabile vulnus*, the smarting result of his previous onset, impelled him again to hurl, what he had taken so much pains to gather, at the impenetrable shield of his opponent. The hot indiscretion of this second assault on Mr. Rantoul by the representative from District No. 6, secured to the latter but little sympathy from his friends, who perceived, that, however distasteful Mr. Rantoul's opinions on slavery might be, he was a man whom it was much safer, for their cause and its advocates, to let alone than to meet in fair debate as an antagonist. Mr. Davis's second speech delivered on the 6th March, 1852, was replied to by Mr. Rantoul, on the 9th of the same month, who made a triumphant vindication of his opinions, his consistency in maintaining them, and of the objects and character of the coalition in Massachusetts. In the Congressional Globe it was reported as follows: —

The House having resolved itself into a committee of the whole on the state of the Union, Mr. Rantoul said: —

Mr. Chairman, — On the 24th of January last, I had occasion to reply to some gross, unfounded, and unprovoked aspersions upon the people of the State of Massachusetts, uttered by one of their representatives upon this floor. The chairman's hammer fell before I had concluded that reply, and I learned on the next day that it was quite probable a rejoinder might follow what I had already said. I concluded, therefore, to delay any further remarks until that rejoinder should come, because I supposed that the gentleman who had made this assault upon the people of my Commonwealth, would follow one or other of two courses:

either that he would attempt to establish by evidence the charges he had made against the constituents of us both, and the people of the Commonwealth, generally, — which I knew he would not undertake, if he was a wise man, because the evidence to support those charges did not exist, — or else, if, like a prudent man, he avoided following up his attacks, I thought that then, like an honest man, he would stand up and retract what he had said about the coalition, and boldly avow his own views. I waited, that the gentleman might choose the one or the other line for himself; and I regret that I did so wait, because, to my disappointment, the gentleman has done neither the one nor the other.

The gentleman attacks the coalition in Massachusetts as corrupt — basely corrupt — infamously corrupt. It will not do for him to get up here and say that he states certain facts, and that other people may draw the inferences or not, as they think proper. The gentleman has himself brought forward here a charge of infamous corruption against a majority of the citizens of his own State. His own terms are, —

"This great crime against our institutions, this wholesale corruption, this monstrous — I had almost said inexplicable falsehood to conscience and to God, to the heart of man, and to the nature of things."

He does not sustain that charge; he does not abandon it. He evades it; and because I had introduced his history, — not that the country might reproach him with it; that was not my motive, for I dealt in no terms of opprobrium, — but because I had introduced his history as an illustration of the general course of the party to which he belongs, he evades the issue which he himself had tendered, and dodges off to talk about his own consistency, and to make an attack upon my consistency. What does the country care, — what does the world care about the consistency of either of us? The issue tendered by the gentleman here was, that the coalition in Massachusetts was corrupt. I accepted that issue. I said the gentleman had not pointed to one act done by that coalition, or to one law or resolution passed or attempted to be passed by that coalition, which he dared to assail. I said he had not denied that the men put into office by that coalition were better men, and would fill the offices better, than the men that were removed to make room for them, and that if he denied it, I would join issue with him on that question. He did not walk up to either of those issues in addressing this house. The gentleman has not found fault as yet with any law passed or attempted to be passed by that coalition which he denounces as infamous. He has not pointed to any one appointment, to any one office made by the government created by that coalition, in which the appointee was not a better man for the place he received than the man who was removed to make room for him. Then, Sir, I take all that for confessed. The coalition has been a good coalition so far as its acts go, its laws go, its appointments go; and we come back to the original question, whether the act of coalition, without regard to what the parties did after they combined, was in itself infamous and corrupt. If it was, the gentleman stands justified. If it was not, he may say himself how he stands. I will not define a position for him.

Now, Sir, for a few moments,—though I am aware it is a very small matter, and I dislike exceedingly, personal explanations, for they take up the time of the nation, which ought to be better employed,—but still for a few moments, as I know the house expects it of me, let me follow the gentleman's defence of his own consistency, and his assault upon my consistency.

First, the gentleman pleaded the statute of limitation. That was not a plea to the merits, as the gentleman knows, as well as I do. But I will admit that plea to a certain extent, because I wish to deal fairly with this case. If there is any harshness of language,—any unnecessarily irritating form of expression in the resolutions which the gentleman approved in 1835, 1838, and 1840,—I will admit the plea of the statute of limitation, and let that language be softened down,—let nothing that is offensive in the mode in which the ideas are put forward, now stand. But the ideas themselves remain, and the gentleman tells us, in his printed speech, though I did not hear it on this floor, that he glories now in substantially the same sentiments as he then avowed. Why, then, does he come forward and apologize, in a manner that I do not like to witness in a son of Massachusetts? Why, if he entertains these opinions, does he not stand up like a man and say, there is my doctrine,—that is what I believe,—that is what I shall act upon; and why does he not act upon it? He should have done this, because the statute of limitation does not apply to his case; it is only *ex gratia*—that we forget the mere form. Here is a running account,—items entered very lately. They take the whole matter out of the statute, as every lawyer very well knows. I was about to comment on those late entries, when the chairman's hammer fell; and I will proceed to notice them now very briefly. I was going on to show my colleague's position, the position on which he came into this house, what he came here for, what he was sent here to do, and he knows it perfectly well. Why, then, does my colleague talk of the statute of limitation? He was elected in 1850, and the convention which nominated him, and which was held at Northampton, on the 4th of October, passed the following resolutions amongst others:—

"*Resolved*, That while we rejoice that the slave-trade will no longer be permitted to disgrace the capital of the nation, we deeply regret that the right of trial by jury, so eloquently claimed by our own representatives for the colored citizen charged with the crime of seeking his freedom, should be withheld from him, and that the constitutional clause under which he is claimed, odious in itself, should be rendered still more odious and detestable by the mode of its enforcement.

"*Resolved*, That while, as good citizens, we cannot council open resistance to the execution of the fugitive slave act, we will give every possible legal aid and assistance to those who may be arrested under it, in the assertion and maintenance of their rights.

"*Resolved*, That the better to insure the safety and the rights of the fugitive, it is expedient and desirable, in the opinion of this convention, that the legislature of this Commonwealth, at its next session, should pass an act authorizing the executive to appoint one or more commissioners in every county, whose duty it shall be to appear for any person arrested as a fugitive under this law, to protect his rights, and aid him in establishing all facts necessary to procure his discharge, and directing the payment of all expenses incurred by any person so arrested, in establishing his rights, to be made from the treasury of the Commonwealth."

Those were some of the resolutions of the convention which nominated my colleague, when he was elected to the seat which he now occupies. Was this without my colleague's concurrence? Or what did he say to it? I have taken from the Boston Atlas a portion of his reply to the letter asking him to stand as a candidate, and I will read it to the house. The letter was originally published in the Springfield Republican, and was republished in the Boston Atlas, of November 7th, — the Thursday before the election. It is dated November 2d, and contains these words: —

"Dear Sir, — My opinions, in regard to the fugitive slave law, are in accordance with the resolves adopted by the late whig convention for this congressional district. Nothing, it seems to me, can be more clear than that the right to freedom ought to be guarded with a care at least as jealous, and as formal as that which we deem requisite for the legal protection of property. No law upon the subject ought to be satisfactory to our people, or to remain upon the statute-book, which withholds from the alleged fugitive the power to have the question of identity and of freedom determined by a jury within the county or State where he is found."

The rest of the letter refers to the question of high tariffs for protection; and upon those two issues, *and those only*, was my colleague elected to the seat which he now fills. He was elected, because the convention resolved that the clause of the Constitution, relating to fugitive slaves, was *odious in itself*, and that this fugitive slave law made it *more odious and detestable*; and because he, in his reply, said that those were his sentiments, and that such a law ought not to remain on the statute-book. Now, I do not think that the question of protection excited quite as much interest in his district, at this election, as it has done at some other times. I am, therefore, of the opinion — my colleague can set me right if I am wrong — that the issue which sent him here, was his declaration, a week before the election, that the fugitive slave law ought not to remain upon the statute-book. Can the gentleman prove to this house that a hundred men in that district would have voted for him, — can he prove that *ten* men in that district would have voted for him, if they had believed he would have declared here that he was opposed to the repeal of a statute which, in his letter accepting the nomination, he said ought not to remain on the statute-book? If he can, let him do it, and give the house their names. That is a question for the gentleman to answer.

I think that the plea of the statute of limitation hardly helps my colleague here at all. There is the position in which he stands. I did not pick him out for the purpose of holding him up to reproach in this house, for when I spoke before, I believed the opinions he advanced were the opinions which he honestly and sincerely maintained, and I gave him a fair opportunity to get up and defend himself, honestly and sincerely, by one or the other of the courses I have suggested; but he has not chosen to embrace it.

I recommend northern gentlemen, who present the spectacle to the country of preaching one set of notions at home and another here, to look a little to the South; for we may find some good things there. Southern gentlemen, who, finding themselves in a small minority, maintaining unpopular opinions, do not, as a general thing, so far as I have noticed, come here and whine over it, and apologize for their own past history; and I hope that northern men will stand up with a little *southern* spirit — if I must be compelled to go so far for the right word — and say what they believe, as their brethren of the South do. I hope the sad fate of my neighbor of the Sixth District will be a solemn warning to other gentlemen in that quarter, who feel an inward working, prompting them to lay their hands on their mouths, and their mouths in the dust, and cry, unclean, when they have been guilty of free thoughts. The exhibition is not exhilarating.

Well, Sir, I no not know that it is worth while for me to follow further the private history of my learned brother. I pass from the subject — which it is disagreeable to me to have had to notice — to the question which has been raised here in regard to my own consistency, one which I am quite ready to meet here, or elsewhere, whenever any man chooses to raise it. Why, the gentleman has called me a modest man. I did not grow more modest while he was making out for me a character for consistency, which I think a great many politicians would rejoice to have made out for them. The gentleman has shown me as occupying, a great many years ago, identically the same ground, on very many important questions, as I occupy now; and he has failed to show that during the intervening time I have ever uttered one word in any public speech, or have ever written a word in any printed letter, or in any document intended to be an expression of my opinions; he has not yet found, although Massachusetts has been dragged with a drag-net forty-two days to find it, any written word of mine to convict me of inconsistency in public matters.

Mr. Chairman, what I have done for the last ten years, has not been done in a corner. I have spoken all over New England, and in New York, Pennsylvania, Ohio, Illinois, Michigan, Wisconsin, and Missouri, and I challenge any man, who has heard any public address of mine, to come forward and convict me of inconsistency upon any great national question. That is my challenge; and I think it is quite broad enough to cover all supposable cases. But, Sir, I know perfectly well what I am saying: and I am quite willing that all the other States shall be dragged with drag-nets, as Massachusetts has been; for my colleague has had zealous and industrious assistants, fitted by nature to be scavengers, who have dragged every corner, to see if they could not hunt up some stale slander which could be used against me. I am quite willing the other States should be examined in the same way, and if I have been inconsistent upon any one of the great national questions, let the gentleman show it. But, until the gentleman does show some foundation for his charge, I shall not think it necessary to go very much into details of rumors to prove conversations, or supposed publications, with which I had no more to do than my colleague himself.

What right has my colleague to say of me, he "made himself, at an early period, distinctly understood upon both sides of that as well as many other questions which have been agitated in Massachusetts for the last ten or fifteen years?" I pronounce that simply and plainly to be untrue. I have not been upon both sides of that question, or any other leading question before the country. I do not mean to accuse my colleague of intentionally falsifying the record. I do not believe he would do any such thing. I mean to charge him with simplicity and credulity in allowing himself to be imposed upon by others craftier than himself, to broach the calumnies they dare not utter in person. That is all.

Mr. Davis. Will my colleague allow me to say, that one thing which I had in my mind was that the gentleman did sanction, in 1828, a doctrine of the greatest importance, — that of interference with the extension of slavery. I understood, also, that he was a member of a committee who, in 1848, reported a resolution, declaring that congress ought not so to interfere.

Mr. Rantoul. I will ask my learned colleague whether he supposes that, because I was in a convention composed of eight hundred men, I am responsible for all that is done in that convention? If I am thus to be held responsible, I will never go to conventions again. I am willing to be responsible for all the resolutions that I write, or all that I sign as president of a convention, and for all the resolutions in relation to which I express my approbation by speaking or writing. But if a man is to be responsible for several columns of resolutions written by a lawyer who does nothing but write resolutions, and passed by an assembly of eight hundred men, there is not a man who attends our conventions who could not be proved to be inconsistent by such a rule. My colleague alleges, that, in 1828, I wrote some very bad poetry. I have written a good deal of bad poetry in my life, — most of it is burned, and the rest ought to be. But if all the bad poetry that I have written, and twenty reams more that I did not write, were charged upon me here, it should not turn me aside from the great issue before me. It is not a question whether a man writes bad rhymes, or how many of them, or what music he can make from a hugag. It is a question which concerns the great interests of the country, and upon which I am willing that my opinions shall be known. They are to be found written down in plain prose. You must not go to anonymous doggerel to find them. I will begin with 1828, because the gentleman says that in that year I expressed opinions different from those I now hold. In that year the universal topic of discussion in my section of the country was that of a high protective tariff. Upon that issue I stood then just where I stand now. If my colleague can find a seam in my armor which will admit the point of a dagger, let him drive it home.

On the day that the news of the passage of that bill of abominations, the tariff of 1828, arrived at the place where I resided, I wrote and published in the newspapers an article predicting the fatal results of that law, — predictions since verified. I showed that the South was cruelly oppressed, and could not be expected to submit quietly. I then gave my reasons for that opinion, and they are reasons from which I have never departed from that day to this. That was my position in 1828, and I am willing to stand by that position now.

In relation to the great question of internal improvements, I would say, that in 1830 I wrote articles in favor of the Maysville Road Bill veto. I am ready to produce the original of those articles, and the gentleman can see whether I have varied a hair's breadth. I have always denied the constitutional power to make grants for a general system of internal improvements in the States. I have always admitted that under the power to regulate commerce, we could build piers and breakwaters, and remove obstructions in harbors; and I have always contended that the same principles applied to harbors upon the lakes and to the rapids of the Mississippi, and the great rivers, as to similar constructions or improvements on the seaboard. That is the doctrine which I asserted twenty years ago, and which I assert now, and I challenge any man to show where or when I have asserted any thing else. So of the bank. I sustained the veto in 1832, and did not waver in 1834, or afterwards. So of the sub-treasury. I advocated it before the administration adopted it, and stood by it till it came out triumphant at last. As to those great questions pertaining to the nature of our institutions, I hold that ours is not a government of unlimited powers, as some would treat it, — although they do not distinctly profess that doctrine. I hold that this is a government with strictly limited powers, specially granted, and that the great danger to be apprehended, is from the invasion of the rights of the States by the federal power. That is the doctrine which I have always held since I was old enough to hold opinions. Any gentleman who knows any thing about my history, knows that I have never held any other opinions. Why, then, did the gentleman say I stood upon both sides of many great public questions? The gentleman makes charges and does not pretend to produce, or to possess the evidence to sustain them. Why, I do not know. Perhaps he does not know. Those who suggest the charges may know that they have no others which can be better sustained.

The gentleman does not attempt to assail my position, or my course, upon any of the other great questions of national importance, by saying specifically I am on both sides of it, — a charge rather difficult to be made out; rather difficult to be attempted to be made out, because there is not evidence to be found, to start upon the undertaking.

The gentleman says that when I was in Springfield, Illinois, during the last winter, an article appeared in the Springfield Register, and he insinuates, what he ought not to insinuate, that the handwriting of that article resembles mine. If the gentleman has the article in his possession, I will thank him to produce it.

Mr. Davis. I have not.

Mr. Rantoul. If he has it not, he must not make the insinuations of resemblance of handwriting; because he had no cause for supposing that I wrote an article of that kind. Nothing in my history would indicate that I was likely to write such an article; and I doubt whether the gentleman, in the bottom of his heart, ever had any suspicion that I wrote it. If he suspects it, let him give the grounds for the charge; for gentlemen should not bring charges without grounds. I think the committee will perceive that I should not have been likely to have written that article, when I have stated a few facts.

I was in Springfield, Illinois, in the month of February, 1851, upon business of great importance to those associated with me, and to myself individually. I was attending to that business, and avoiding politics as far as I could. Before I left home, on the 8th day of October, 1850, I had been unanimously nominated for congress by a very large democratic convention, which, even in these days of casuistry, no one has yet denied was a democratic convention. It was fully attended by delegates from the several towns in the district, and they nominated me for congress unanimously. They passed a resolution declaring their firm conviction that the fugitive slave law, just passed on the 20th of September, was unconstitutional. I was nominated on the 8th of October. The election was to come off on the 11th of November. On the 7th of November, I think it was, a meeting was held in the town of Beverly, — my native town, in which I now reside, and where everybody knows my history and opinions. At that meeting, I took up the various leading topics of the day, and, among others, the fugitive slave law, and I then declared, in the most distinct and unequivocal terms, my entire conviction of the unconstitutionality of that law. I gave my reasons for that conviction. That, I say, was on the 7th of November, and the election came off on the 11th.

My learned friend thinks some conversation about some resolutions in Boston convicts me of taking an opposite stand. All I have to say about that is, that when I talk to those gentlemen again, I think it will be in writing. My position was as well known then as I could make it. I had addressed a meeting in the town hall of Beverly, — a town of some five or six thousand inhabitants, some eight hundred of whom were present. I generally try to talk so as to be understood, and I say those eight hundred men understood me to declare the fugitive slave law unconstitutional, and for the same reasons that I to-day declare it unconstitutional. After that, does anybody suppose I went to Boston to tell them I was in favor of the fugitive slave law? I think, if I had acted in quite so extraordinary a manner, I should have been locked up in an insane hospital. Having made that speech upon the 7th of November, and the election having been held on the 11th of the same month, I went to Boston every day until about the middle of December.

Mr. Davis. Will the gentleman allow me to ask him, whether he denies having received those resolutions and looked over them? And does he deny having had an interview with the Union safety committee?

Mr. RANTOUL. I will answer the gentleman with great pleasure. I admit that I had interviews, not only with members of the Union safety committee, but with a large number of the Webster men of the city of Boston. They were so crazy, just at that time, that they might well misunderstand any one they met with. They really imagined that they had saved the Union. I only say, that the world may see from the position which I took every pains to make public, that I did not intend to palm myself off upon Mr. Webster's friends as a supporter of the compromises.

Mr. DAVIS. I merely wished to ask whether it is true that the honorable gentleman took those resolves home with him and returned them?

Mr. RANTOUL. I will answer the gentleman. The resolves were brought into my office in the afternoon, before I left Boston for Beverly. When I came back I found them upon my office table. These gentlemen may have supposed that I spent the whole night studying the resolutions. Such is not the fact. That I have expressed myself, in the very highest terms, in praise of the intellect of Daniel Webster, is perfectly true, and I will furnish it to the gentleman in print, if he wants to see it. That I have expressed regard for the Union, is true; and I will express it again if I have occasion. That I have said I will stand by the Constitution, is true; and I say so now. A man could hardly say, at that time, that Mr. Webster was a man of great intellect, that he was in favor of the Union, and that he would stand by the Constitution, without being considered a Webster man, and in favor of his election to the presidency. That was the inference drawn at once; an inference which I did not intend to be drawn in my case, as the gentleman may see from my taking care to pronounce publicly just the opposite doctrine, from time to time, at very short intervals. My position is not an ambiguous one. But here were gentlemen looking for support for Mr. Webster, and every man who did not want the Union dissolved, was set down as almost certain for Mr. Webster. I do not want the Union dissolved; but I shall not help make Mr. Webster president, because I think the Union can be saved without that expedient. If I thought there was no other way of saving it, I might go for him. But the Union was saved on the 7th day of March, 1850, as every gentleman knows as well as I do, and it has been saved every three weeks since, and there are a great many other gentlemen anxious to save it as often as possible, for the credit of the thing.

Now, Sir, I went to Illinois immediately after this, and while there, an article appeared in the Springfield (Illinois) Register. I have here a letter, which states the views taken of that article by the editor of that paper, some months after he published it. I do not know that it is worth while to read it through, but my colleague (Mr. Davis) or any other gentleman who desires, can examine it. It is a letter which says that the editor "had no positive knowledge of your (my) opinions on the compromise measures, and, at the time, supposed he was doing you (me) an act of friendship." The writer says further: "I never heard you express your views of them, (the compromises,) notwithstanding they were several times introduced (at Springfield) for the purpose of drawing you out."

That is the explanation of the whole matter. Here was a gentleman who imagined that the suspicion of opposition to the compromise might do me an injury, and being desirous of doing me a favor, published an article, which I never saw until many days after it was published. Just as I was about leaving Springfield, it was pointed out to me, and I immediately said it was wrong, — that I had not authorized it to be published, and that I regretted that it was. Now, Sir, I will allude to another circumstance. The only article published by me while I was in the State of Illinois, is a letter, to which my name is signed. I published nothing anonymously. I deny not only that production, but everything else that may be attributed to me there. I wrote, signed, and published a letter under my own signature. That letter, which was addressed to Hon. U. F. Linder, a member of the house of delegates, or assembly, of the State of Illinois, went into a calculation of the cost of certain railroads, concluding by summing up what I supposed to be the advantages to the State of Illinois, from the construction of the railroads then in contemplation; I then added "that the advantages of works like these are not confined to the State in which they are located. They are common to the country. A railroad connecting the basin of the great lakes with the Gulf of Mexico, running from Chicago to Mobile, will do more to connect the Union in enduring bands, than all the windy declamations of all the demagogues that have spouted in legislative halls for the last eighteen months."

Now, I would ask any man of any sense, who will take that letter and read it, if he thinks that the man who wrote it, and signed his name to it, and published it, was trying to pass himself off there as a very high toned compromise man? If there is a man who can believe that, I will not argue with him, for he is beyond the reach of argument. That is the position I stood upon. I did not argue the compromise matters, and even the latter sentence, probably, if I had reflected upon it, I should have thought it in bad taste, and crossed it out. I did not go to Illinois to talk about the compromises. It so happened that I wrote the last sentences in a hurry, and signed my name to it; very fortunately for me, as it turns out, for it shows where I stood then, when it did not occur to me that I was writing a letter for such a purpose as it now answers.

Mr. Davis, (interrupting). If the gentleman will allow me, I desire to ask him another question. He stated, that on no question can any printed remarks be found, showing that he ever stated any thing inconsistent with the doctrine of the letter of 1838. I ask him, whether, in the election of 1848, he did not make speeches upon the stump, in which he supported the doctrine of non-intervention?

Mr. Rantoul. I answer the gentleman distinctly, that I did not. Now, if the gentleman can prove to the contrary he can have ample time, and I will aid him in searching for materials. I supported General Cass, and did it in good faith, and in various parts of the country, and did all I could to bring about his election. On most occasions I made no allusions to his Nicholson letter; but when I did allude to it, upon very few occasions, I briefly expressed my dissent from his conclusions; that is all. I did not make it prominent; and when I thought it was absolutely necessary to touch upon it, I took care that my hearers should know where I stood.

Now, Sir, I am not going through this long catalogue of small matters, because it is not worth the time. The game is not worth the powder. If my reputation will not take care of itself, it is not worth the trouble of being taken care of. I will risk it; and I will leave unanswered all the other matters which the gentleman has alluded to, simply saying that if any statement would warrant the fair and honest inference that I have been inconsistent upon any of the questions to which the gentleman has alluded, then that statement is false; that is all. I am not going into particulars, because there is beyond all these a great question, a question vastly more important to the country, and to the world, than the consistency of my colleague from the Sixth District or myself. We are but insects which move about upon the surface of this globe. But there are great interests, concerning all humanity for all future ages, that are agitating this nineteenth century, and which we, as members of the congress, are bound to meet. It is not for the North, it is not for the South, it is not for any section of this country to rise up, and talk loud and angrily by way of quieting agitation. Agitating speeches do not mend the matter. No section, no great interest, by thrusting its head into the sand like an ostrich, diminishes the danger which it declines to look in the face. There are certain great interesting questions which must have an issue somehow. How, as yet, God only knows; but it is for us, as men, to look them in the face, and to determine what are the principles upon which they are to be settled, — not to try to make each other angry. I do not respect that man who tries to make me angry when he should argue, because it puts an end to all fair argument, all prospect of our coming to an understanding to the end of time. But let us, with a common desire to see how these questions may be met, mutually tolerate differences of opinion, and allow every man to speak out frankly what he believes, and then respect him the more, the more frankly he expresse his opinions. That is my feeling; and I hope it will be met with the same feeling on the part of others.

But, Sir, before I touch upon this, let me say a word or two about this coalition in Massachusetts, because the gentleman originally flung his gauntlet down upon that matter. He says it was a corrupt coalition. Now, Sir, in Massachusetts there were, and have been for many years, three parties. The law and Constitution of the State of Massachusetts required a majority to elect to any office. No one of the three parties was strong enough to establish a government. One of two things was to be done, then. And I ask this house, and every man in it, which we should choose? Either there could be no government for Massachusetts, or else there must be a combination of two parties. Which ought we, as patriots, to have done? Have no government? No. If we were to have a government, a combination was to have been made somewhere. Three coalitions were possible;.whigs and free soilers, whigs and democrats, democrats and free soilers. There can be no other. Which does the gentleman prefer? That is quite plain. The house may see where the shoe pinches. The gentleman and his patriotic friends, whose souls sicken at thought of the new coalition, had made a combination between whigs and abolitionists, and had controlled the State by that means. I understand whig ethics, and the ruling principle is, what puts *us in* is right, what puts *us out* is wrong. Now these very same gentlemen who formed a coalition, and carried it out for eighteen years, all at once saw themselves ejected from power. Oh, it is horrible, it is corrupt, it is infamous! They blush for their own State when they find other men doing for good and patriotic reasons, that which they have done for no reason at all, except to share the spoils of office, and to carry out a system of class legislation, out of which they filled the pockets of the managers of this machinery. That has been done for years, until at last the people of Massachusetts could stand it no longer. They determined they would not be ruled in that manner any longer. They rejected all these gentlemen; and when the whig party was suddenly choked off from the great meat platter which the gentleman saw in apocalyptic vision, it set up a howl that might be heard through Tartarus. At that I do not wonder. What I wonder at is, that there are democrats in other parts of the country green enough to send back an echo to that howl; who sympathize with whigs who have been in office for the best part of half a century, and think it infamous to turn them out. This is what I wonder at, and I have not ceased to wonder to this day. Why, Sir, a combination was necessary. No man will deny that. The only question was what combination should be made. Only three combinations are possible; the whigs and free soilers, the democrats and free soilers, and the whigs and democrats. No system of mathematics can make more than these three. The whigs and free soilers had been united for sixteen or eighteen years. The whigs had all that time been professing to believe various matters which they did not believe, or else their acts belied their belief, one or the other. They have been, under false pretences, obtaining goods which did not belong to them, for eighteen years. The free soil party became sick of frauds of that sort, and upon so large a scale. They could stand it no longer. They determined that they would no longer coalesce with the whigs upon any pretence whatever. Should the whigs and the democrats have coalesced? In other parts of the country, I see the effect of whig and democratic coalescence. With a little more of it, you will have a whig majority in the senate. I find gentlemen rising up here, gentlemen from southern States coming here, and publicly announcing that they came determined to vote with either party that will go furthest in a certain direction, — gentlemen whom I supposed to be whigs, and to hold whig principles, but who have no objection to turn democrats all at once, as a black lobster turns red by boiling; that is, the whigs, will turn sound, consistent democrats, if the democratic party will eat more southern dirt than the whig party will. That is the proposition, and it is made unblushingly here; and the people who make it come here and ask the two great parties to put up their principles for sale, to be knocked down to the highest bidder. And they have the impudence to talk to the people of Massachusetts about an unprincipled coalition.

I should like to see the want of principle shown in our coalition, shown by some of those gentlemen who come here and say they are willing to join either party, — either party, provided it is a party of profound and thorough *sectionalism*, — ignoring all inhabited regions north of Mason and Dixon's line; provided it is a party not having a national idea in the head of any man belonging to it; provided it is a party that believes the Constitution of the United States was created to perpetuate and secure the blessings of slavery to ourselves and our posterity, and for no other purpose; provided it is a party of one idea, — they do not care whether it is democratic or whig, they will go for it. That is the kind of doctrine advanced upon this floor. And then the men who advance it turn around and berate the men of Massachusetts, and call the creation of a government an infamous coalition. Of that I do not complain so much as that a native son of Massachusetts should indorse all these miserable slanders. It is of that I complain. The coalition, I say, in Massachusetts must needs be of whigs and free soilers, whigs and democrats, or democrats and free soilers. Now I, as a democrat, had no idea of coalescing with the whigs. I had fought them all my life long. The gentleman from Florida (Mr. Cabell) does not see any distinction between the two parties. I have seen a distinction, — a broad gulf, — a gulf like that between Dives and Lazarus, and I could not leap over it in a single bound. I supposed that there was a principle at the bottom of all this. If I have been mistaken, it is a mistake of which I do not wish to be relieved. I wish to be suffered still to suppose that there is a little principle in the world, instead of thinking that all parties are aggregations of rogues. I think there was a principle at the bottom of the division between democrats and whigs; and I could not, as a democrat, coalesce with the whigs. You then ask, How did the democrats coalesce with the free soilers? Was not there a broad distinction between them? I will show gentlemen how broad, for it is best that these things should be understood. You will have to understand them by and by; and what is the benefit of talking nonsense in hours together, when we can get at the plain facts, if we choose to do so; and when, having got at the plain facts, we can judge better how to conduct ourselves than by the impositions palmed off here day after day in order to influence the country. I will show gentlemen how far the democratic party and the free soil party were from each other at the time the coalition was formed. The gentleman knows very well, although the house may not, that the coalition was formed in the fall of the year 1849, and not, for the first time, in the fall of 1850. It was formed in the fall of 1849, and attempted to take the power out of the hands of the whigs, but did not succeed. It came very near success, but it did not succeed. In 1850, they made a second trial, and succeeded. In 1851, they made a third trial, and succeeded again. Three times has this coalition been in operation; the first time a failure, and the last two times successful. Now, before the coalition was made, of course those democrats who came the nearest to the peculiar opinions of the free soilers had no difficulty, and felt no repugnance. The repugnance must have been on the part of those who were furthest from the free soilers, and I propose to show where *they* stood. I hold in my hand the resolutions reported by the Hon. Benjamin F. Hallett, September 19, 1849, the week the coalition was formed; and gentlemen will see how far Mr. Hallett and those who thought with him had to go before they could act without repugnance with the free soil party. The following is one of the resolutions reported by Mr. Hallett: —

"*Resolved*, That we are opposed to slavery in any form and color, and in favor of freedom and *free soil*, wherever man lives throughout God's heritage."

That is one of the resolutions; here is another: —

"*Resolved*, That we are opposed to the extension of slavery to free territories, and in favor of the exercise of all constitutional and necessary means to restrict it to the limits within which it does or may exist by the local laws of the State."[*]

Now, gentlemen will ask me, what is the vote upon these resolutions of Mr. Hallett? It was a very full democratic convention, and the vote in favor of these resolutions was a unanimous one, on the 19th of September, 1849. Gentlemen who write one kind of resolutions for the newspapers, unanimously adopted, circulating them throughout the State of Massachusetts, in a printed form, for effect, and who will write another kind of doctrine in private letters to members upon this floor, must submit to have their two systems compared. I say here what I have said in Massachusetts. Print them in parallel columns, and you will find no difference. If the gentlemen wish to make the North all hypocrites; if they wish every man at the North who entertains sentiments that are not perfectly palatable in high southern latitudes should falsify his own record and pretend to love that which in his heart he abhors; if gentlemen desire that; why, there is a way to make some men do that, but there is no way to make all men do so. The thing is impossible. I think too well not only of the people, of the freemen, of Massachusetts, but I think, thank God, I am able to say, too well of the freemen of the United States, I think too well of human nature all over the world, to believe that a universal system of hypocrisy upon the subject of slavery, or any other subject, is possible now, or will be at any future day. You may succeed in making——

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[*] The following resolves — and they are all on the subject of slavery, that were reported by Mr. Hallett — were adopted by the democratic convention, holden at Springfield, September 19, 1849: —

1. *Resolved*, That we are opposed to slavery in every form and color, and in favor of freedom and free soil wherever man lives throughout God's heritage.

2. *Resolved*, That by common law and common sense, as well as by the decision of the Supreme Court of the United States, (in Prigg *v.* Pennsylvania, 16 Peters,) "the state of slavery is a mere municipal regulation, founded upon and limited to the verge of the territorial law," that is, the limits of the State creating it.

3. *Resolved*, Therefore, that as slavery does exist by any municipal law in the new territories, and congress has no power to institute it, the local laws of any State authorizing slavery can never be transported there, nor can slavery exist there but by a local law of the territories sanctioned by congress, or the legislative act of a State in its sovereign capacity.

4. *Resolved*, That we are opposed to the extension of slavery to free territories, and in favor of the exercise of all constitutional and necessary means to restrict it to the limits within which it does or may exist by the local laws of the States; but

5. *Resolved*, That these sentiments are so universal at the North as to belong to no party, being held in common by all men north of a sectional line, while they are repudiated by most men south of that line; and therefore they cannot be made a national party test.

Mr. Rantoul quoted the *first* and *fourth* resolutions. Now, what is the purport of each of the others?

Mr. Cabell. Will the gentleman permit me to ask him a single question?

Mr. Rantoul. I have not time. The gentleman can speak after me for an hour.

Mr. Cabell. I only wish to ask the gentleman, if the person of whom he is speaking is the same one who is chairman of the democratic committee?

Mr. Rantoul. It is the same man,— what is called at the North, a hunker democrat. Now, Sir, I was saying, and I cannot go over the matter that I had intended to pass over, that this issue of slavery is a great national issue, to be met with national, constitutional principles. We have got to see what is to be done with it. I say it is *we;* I say that it is not one third of the Union that is to settle this subject, if the United States government take it up. It will be settled by two thirds of the people of the United States, and not by one third. Yes, Sir; gentlemen should remember that the State of Massachusetts has a greater white population than any State south of Mason and Dixon's line, and yet Massachusetts is a small State at the North. Are these States that contain one third part of the white population, to say that the general government shall take hold of this subject? That is the first proposition. Second: When they take hold of it, are they to do what they demand,— they being one third of the people, and we, the other two thirds, shall humbly submit to it to the end of our days. They will make that demand, but it will not be granted; that is all. Is it wise to make it? Is it not better to look about a little, and see what you can do, before you embark in an enterprise of that kind? I see but three issues to this great question of slavery. I will propound them in a few words, for I see my time is very short. There are three issues I say. It may result in civil war and anarchy. I say that is possible; but, in my opinion, it is a mere possibility. But it is a possibility that prudent men ought to look at, because bad management may drive the chariot off the precipice, when, with the slightest degree of prudence and skill, the course would be perfectly safe. It may result in civil war, if badly managed indeed, without any sort of prudence. Then, what are the two other issues in which it may result? Why, there is a federal, and there is a democratic issue. Slavery will not last forever, for the seeds of its death are within itself. Now, almost the whole civilized world have got rid of it; and that portion of the civilized world of which I speak, — for I say nothing of the barbarians, — which still retains this institution, retains a temporary institution, and it must look about to see how, with the least inconvenience and suffering to itself, that temporary institution is to come to an end. That is the great question for southern men; and if it is to be pressed upon this government, — and I think it ought not to be, — then it is the great question for northern men. And I say there are two issues, — a federal issue and a democratic issue! What is the federal issue? That the federal government be forced day after day to take more and more interest in this subject of slavery, and to interfere more and more with it, by at one time making a fugitive slave law, to compel all of my constituents to be the catchers of runaway negroes, which is repugnant to my people. They do not like it. Or, by an arrangement which they say is constitutional, and to give the great capitalists of the North an opportunity to raise an amount sufficient for the exigency, either by taking the national lands, or making a great national loan, to build up a great national debt, greater than that of Great Britain, which they would delight to do, to buy up the negroes of the South. That is the federal issue. Towards it you are tending now. By and by, gentlemen will see this tendency more strongly developing itself. It is of no avail for gentlemen to try to shut their eyes to it. When the federal party see that slavery must come to an end, they will endeavor to prevail upon the general government to buy it up. Against that I protest beforehand. When that is done, it makes a complete revolution in the whole nature of the government. It builds up a debt as great as that of England. It gives the president a power which makes the republican empire, even though your forms remain unchanged, as France has been transformed into an empire, from the great patronage existing in the hands of one magistrate. But what is the other issue? The democratic issue is, that you take your stand sternly upon the Constitution, and say that the Constitution of the United States does not allow, — does not justify the federal government in touching the institution of slavery in the States. *Slavery, and the extradition of slaves, must be left to the States.* That is the doctrine I maintain at home. It is the only doctrine upon which this question can be settled, without one or the other of two results, — either civil war, or else the building up of a debt which would crush the freedom of the United States forever. I say, then, stand upon

State rights, and say, sternly and inflexibly, that the general government shall not meddle with the institution of slavery in the States; and I ask gentlemen to look, to see if they have not made a fatal mistake in misconstruing a clause of the Constitution with regard to fugitives from labor. That clause no more allows the United States government to enact a law for the rendition of runaway slaves, to employ its officers for the rendition of slaves, than it would allow this congress to enact a law to send its officers into the port of Charleston to rescue free men of color seized there, and sold as slaves, because they cannot pay their jail fees. I ask gentlemen if they would think that was constitutional? I can make out as strong a case of constitutionality for that, as any gentleman has yet done for the other. The principles you adopt in the one case must cover the other. I say, then, if you have already infringed upon the Constitution, — if you have already violated it, — hereafter cease to do so. You have already entered the point of the wedge. Do not drive it home, by a continual urging upon congress this question of slavery. What have we heard all of this session? "Quiet agitation;" and quieting agitation is the noisiest business we have, — the very noisiest; and also the most irritating. Sir, agitation is not to be quieted by hard words. Hard words will have very little success on either side. This question of slavery can be quieted only in two ways. One way will be for the South to let it alone; and then if everybody at the North would let it alone, which no man can promise, it would be quieted. The other would be to talk about it like reasonable men. Take it up as you take up any other great national interest, and try to get at the merits of it. When you do that, it will be then as quietly approached and treated as any other subject; and by the blessing of Providence on your honest endeavors, a way will be found to pass through that transition of social system, through which most of the nations of Europe have passed within a comparatively recent period.

[Here the hammer fell.]

THE BALTIMORE CONVENTION.

The national Democratic Convention of delegates from the people, assembled at Baltimore, June 1, 1852, for the nomination of president and vice-president of the United States. To this convention Robert Rantoul, Jr., was, on the 20th of November, 1851, unanimously chosen delegate on the first ballot, in a convention of the regularly constituted organs and representatives of the democracy of the different towns of District Number Two, and in accordance with the uniform usage of the democratic party in that district. His seat was contested by N. J. Lord, chosen by some twenty-five or thirty persons, at an informal meeting, without the shadow of claim to be considered democratic, either in its call, the character of the few individuals composing it, or of the candidate selected, — the latter person having run for congress in opposition to the regularly nominated candidate, Mr. Rantoul, April 7, 1851, with the following result. For R. Rantoul, Jr., 3,152; N. J. Lord, 48.

Notwithstanding the perfect regularity of the numerous and highly respectable convention at South Danvers, of the duly appointed organs of the democratic party of District Number Two, by whom Mr. Rantoul was unanimously chosen, on the first ballot, a delegate to the Baltimore Democratic Convention, and notwithstanding the report of a committee chosen by the Massachusetts delegation in that convention to examine all the facts in the case reported in his favor, yet, the committee on credentials, in the general convention, reported against his taking the seat to which he had been regularly chosen in that body; and this report, fraught with atrocious injustice, was sustained by a vote of 194 to 83. It was forced through the convention in face of the clearest facts in Mr. Rantoul's favor, in direct outrage of the just and decided sentiments of five thousand democrats of his district, and of forty-five thousand in the State of Massachusetts, who will not soon forget the misrepresentations and the malignant coöperation of certain individuals from the North against him. Their subserviency to the slave power, and their subsequent history, may prove that "thrift" may "follow fawning," but never, that their crime against liberty and justice is either forgotten or forgiven by the democrats of the free States. The time will come, and is near, when their very names, if not buried in deep and damning oblivion, will be a hissing and a scorn to the free millions of the North, while that of Robert Rantoul, Jr., shall be the rallying cry of the democracy and their pride for generations to come.

But how does it happen that appeals to southern sectional prejudice have such power in a convention, called to nominate, for the highest offices, the candidates of the democratic party? The answer is plain. The suffrages of the free States being divided, the solid phalanx of the slave interest holds the balance of power. The base truckling of the whigs to that interest, would, it was imagined, unless met by an equally base subserviency on the part of the democrats, result in the success of the whig candidate. What a spectacle was presented at Baltimore! Two great conventions of delegates from the people of the United States, kneeling, begging the vote of a part of the other third for their respective candidates, — slavery holding the balance of power! But this state of things has, probably, been witnessed for the last time. The day is near when one sentiment of reverence for the Constitution, and for the principles of its glorious founders, will bind together a vast majority of the citizens of the Union in the holy and indestructible love of liberty.

The treatment which Mr. Rantoul and the five thousand democrats of District Number Two, received at the hands of the Baltimore Convention, was regarded with astonishment and indignation throughout the country, — indignation mingled with grief to which his death, in August following, gave an intensity, which the eloquent tongue of no man living could have imparted. A convention, claiming to be democratic, ruthlessly violates, in the person of one of its regularly and unanimously elected members, the settled usages and long established principles of the democratic party! See, excluded from it, a man who had done as good service in support of those principles, which he still held, as any man of his age in the United States, — one of the most learned and accomplished of orators; an indefatigable laborer for the success of the candidates of the party, and who, notwithstanding the outrage of his ostracism by the convention, still supported its candidates. Why this astounding and unparalleled injustice to that champion of democratic truth, who, in 1844 and 1848, was an honored and efficient member of the conventions of those years, and who, with greater power and effect than any other man in the country, could have wielded, because no one had, at the same time, his information and his eloquence, supported, with all his might, the nominees of those conventions by able speeches in nearly half the States of the Union; — why was *he* singled out as the especial object of attack and denunciation by a set of men too, some of whom were members of that convention only by the mere sufferance of Mr. Rantoul's personal friends? Was he the only democratic member elected by the coalition of different classes of voters in opposition to whig rule? No! The constituency of District then Number Five of Massachusetts, and the constituencies of a great part of the delegations of New York, Ohio, and other States, like the men who elected Mr. Rantoul, were determined opponents of subserviency to slave-holding despotism. No! Mr. Rantoul was sacrificed to secure to envious and malignant personal enemies, the benefit of southern influence and patronage. Not one true thought of freedom, of right, or of justice to him, mingled with their hostility. And never did a Jewish Sanhedrim of old decree that one man should unjustly die for the people, or a Spanish Inquisition consign to the flames one that dared to do his own thinking with more hot haste and unrighteousness, than the democratic convention at Baltimore excluded Robert Rantoul, Jr. from his seat in that body. By the God in whose hands are the destinies of nations, the fathers of the republic swore they would be free. What was the boon of liberty allowed Mr. Rantoul, one of the most worthy and distinguished of their descendants? Not even to speak in his own cause, not even to do his own thinking. Asked if he would, beforehand, agree to support such resolutions as the convention might adopt, he replied that "he did his own thinking, and did not leave it to be done for him by conventions." This could not be tolerated. An end must be put to freedom of political opinion. The self-constituted, infallible, democratic (?) church at Baltimore, demands submission to its decrees before they are promulgated, or even formed. It is not enough that three millions of blacks are in chains, that northern court-houses are in chains, but northern minds must be shackled, and northern lips be padlocked and the keys carefully laid away in the archives of the United States democratic convention! Mr. Rantoul in a few remarks which he was denied the right and opportunity to make to the convention, but which are published in an account of its doings, said: "I cannot look at this attempt except as another experiment to measure the extent of northern servility; to see how far the North will cower before an insolent demand to make independence of opinion, on questions upon which we always differed, a ground of proscription." Yes! It is this proscription of freedom of opinion, which consigns the doings of the Baltimore Convention in Mr. Rantoul's case to eternal infamy, — infamy black as Erebus, — while to be a martyr in such a cause is immortal honor. To that very liberty of which he had so often and so gloriously vindicated the rights of others, he fell a sacrifice. He, who in 1832 supported the veto of the United States Bank; in 1833 and 1834, the removal of the deposits; in 1835, and on through four years of the most active, laborious, and brilliant service in the democratic cause, as a member of the Massachusetts legislature, — a service marked by a series of victories from first to last, over the most disheartening opposition, which no other man there could have conquered, — dared defend the rights of man against the tyrannical usurpations and encroachments of corporations; and the rights of the Catholics to the protection of the laws of the country to which they bear true faith and allegiance, and eloquently vindicated entire freedom of religious opinion; he who, against the monopolizing spirit of his own profession, fearlessly advocated the principle of "no law but written law," strenuously urged the codification of the common law, the revision of the statutes, and the relinquishment of bar rules; who upheld the right of freemen to a specie currency, untaxed and uncontrollable by banking corporations, and insisted with earnestness on the prohibition of small bills as a circulating medium; who advocated most ably and perseveringly the sub-treasury system, and the reduction of the revenue to the economical wants of the government, long before either of these measures was adopted by a democratic congress; he who, at the hazard of personal reputation, in a State where he had to encounter the bigotry of the common law, as well as the bigotry of theology, boldly and nobly defended the right to testify in courts of justice and elsewhere without hindrance for opinions on religion, as a right essential to justice and freedom, the end of all law; he who, against the hereditary ignorance, and prejudice, and cruelty, which laws too often but serve to perpetuate, advocated, with triumphant power, the repeal of barbarous enactments and useless blood-stains upon civilized legislation, and the adoption of humane reforms, which make justice strong by tempering it with mercy; he, in short, who, in the legislature and out of it, there and everywhere was always true to humanity, faithful to the cause of reform, progress, and liberty, as ever was Thomas Jefferson or Samuel Adams; he, having sworn in the halls of congress both as United States senator and representative, fidelity to the Constitution, fell at Baltimore a victim to fanaticism, — the fanaticism of slave-holding tyranny, controlling the action and the votes of a convention called democratic! Can the black and atrocious act of excluding him from that convention annul his past services? Can it chain the hands or seal the lips of the five thousand democrats of his district, as well informed, as thoroughly united, and as truly republican as any constituency on earth? Will the citizens of the free States submit to be, by sections and districts, disfranchised, for daring to hold or utter opinions adverse to the fugitive slave law? May they not even inquire by what right, by what grant of power, congress has *presumed to constitute every free citizen of republican America a slave catcher*, for southern taskmasters? We shall see! We already see the vote for delegates to the constitutional convention of the sovereign State of Massachusetts, in which men of the same political opinions which distinguished Mr. Rantoul, have a clear ajority of at least one hundred votes. We shall see, too, how New York and the great States of the west, where his voice, ever eloquent in the cause of the people, had often been heard with patriotic cheers and acclamations o' delight, will look upon his martyrdom to freedom of opinion, the right, as he termed it, to do his own thinking. Not Baltimore conventions, called democratic; not the president of the United States, if armed with a thousand times more power than any president ever yet dreamed of; not congress, with all its unconstitutional assumptions, nor the whole force of the government united, with the mines of California and Australia to back it, can prevent the consequences of that one act of tyranny at Baltimore from defeating its own object. Millions of hearts, for that, shall throb with newly awakened sentiments of liberty, and a new love of freedom of discussion. What is the character of a government which allows not liberty of opinion — what but a tyranny? Shall, then, the last sanctuary of liberty, the mind, be invaded with chains and fetters? Before the republicans of America bow their necks to such a power, opinions will be expressed, words will be heard, aye, and be turned to blows, and the blood of freemen wash out the landmarks of every State in the Union.

Be it remembered, countrymen of Franklin, of Washington, of Jefferson, that the question at Baltimore was one only of free thought and free speech. For claiming this freedom, Mr. Rantoul and his five thousand constituents were denied a hearing and a voice in a democratic (?) convention. Let the record of this execrable outrage on the rights of freemen be read in the following proceedings of the Democratic National Convention, relative to the Massachusetts contested election: —

MASSACHUSETTS CONTESTED ELECTION CASE.

Baltimore, Wednesday, June 2, 1852.

Hon. Edmund Burke, of New Hampshire, submitted a report from the committee on credentials, which was read.

The report says that all the States have elected delegates, with the exception of South Carolina. As to the contested seats from Georgia, the committee recommend the adoption of the following resolutions: —

"*Resolved*, That the democratic delegation from Georgia, represented by Mr. Cohen, consisting of twenty-one members, are the legitimate representatives of the democracy of Georgia, and are entitled to their seats.

"*Resolved*, That the delegation represented by Mr. Jackson, consisting of twelve members, are democrats in principle, and reflect the sentiments of a portion of the democracy of Georgia, and shall be admitted to seats in the convention; and the said delegations, thus united, shall cast the votes of the State."

They decide that George P. Moore is entitled to the seat for the third district of Maine, and not J. S. Dickinson; and from the second district of Massachusetts, N. J. Lord, and not Robert Rantoul, Jr. From the first district of Vermont, Merritt Clark is entitled to the seat in the convention.

In relation to South Carolina, the committee say that documents were presented to them, showing the proceedings of fifty citizens of that State, who sent hither General James M. Commander as a delegate. As it did not appear that he represented any district of the State, the committee decided that the paper was not such a document as entitled General Commander to a seat in the convention.

Mr. James W. Nye, of New York, submitted the following, as a minority report from the same committee, in reference to the contested seat in the Second Congressional District of Massachusetts, namely: —

It appears —

1st. That, November 20, 1851, the democratic convention for said district met at South Danvers. One hundred and sixty delegates, representing the democracy of the different towns, were present. They voted by ballot. On the first ballot, R. Rantoul, Jr., was unanimously chosen delegate.

This fact appears, by the proceedings of said convention, attested by the signatures of W. C. Prescott, president, and Charles J. Thorndike and James M. Sargent, secretaries, which document is admitted to be genuine.

2d. The above convention was called as a convention of the democratic party, by the democratic district committee, appointed unanimously, October 8, 1850, at a regular convention of the whole party, — admitted to be so by the contesting party, in his printed statement.

The regularity of this convention is admitted in the following extract from the statement presented by Mr. Lord: —

"At the district convention in October, 1850, the Hon. Robert Rantoul, Jr., was nominated as the candidate of the democratic party, and accepted the nomination. At the same time, according to the usage of the party in this State, a district committee was chosen, whose duty it was to call all future conventions of the party, whenever such conventions should become necessary, during the time of their continuance in office."

3d. N. J. Lord was chosen by a party first organized under a call, in May, 1851, to those democrats "opposed to the election of Robert Rantoul, Jr., to congress," as appears by the following notice, issued at that time for the organization of a party on special principles: —

"Democratic Convention. — The democratic electors of Congressional District Number Two, who are in favor of the compromise measures of the late congress, and opposed to the further agitation of the slavery question, and who are, therefore, opposed to the election of Robert Rantoul, Jr., or Charles W. Upham, to congress, are requested to send delegates to a convention to be held at the Town Hall, in Salem, on the 19th instant, at 10 1-2 o'clock, A. M., for the purpose of nominating a democratic candidate.

"Each town is requested to send three delegates for each representative said town is entitled to send to the legislature."

This call was signed by several gentlemen, but by no committee previously appointed.

4th. Under this call, a meeting assembled on the 19th of May, and organized a new party. The relative numbers of the old democratic party, and those who thus assumed to organize a new party, as cast at the next preceding election, on the 7th of April, 1851, in the election for congress in that district, was as follows, omitting the whig party vote: —

R. Rantoul, Jr.,	3,151
N. J. Lord,	48
B. F. Browne,	152
Samuel E. Sewall, (F. S.)	1,775

The number of democrats, it will be seen, who voted for Mr. Rantoul, was 3,151. The number of democrats who voted against him was 200.

The democratic delegates to this convention from the State of Massachusetts, whose seats are not disputed, have had this subject under consideration, and acted upon it, as appears from the following record of their proceedings: —

"At a meeting of the delegation from Massachusetts, it was voted that Messrs. Whitney and Ackley be a committee to ascertain if there is any contested seat in this delegation; and if so, to confer with the contestors, and propose to them to refer the respective claims to this delegation, to report thereon to the committee on credentials, or to receive any other proposition for adjusting said contest.

Attest: R. FROTHINGHAM, JR., *Secretary.*"

"The undersigned committee, appointed by the foregoing vote, respectfully submit the following report, to wit: The right to a seat in the convention of the Hon. Robert Rantoul, Jr., delegate from District Number Two, will be contested by N. J. Lord, Esq. As a committee, we waited upon each of the claimants, and make report that we could suggest no arrangement that would satisfy both parties. If we understand the question, the claim of Mr. Lord grows out of the alleged private opinions of Mr. Rantoul, and in our opinion, cannot affect the rights of the democratic party in Congressional District Number Two, to be represented by the delegate of their own choice at the Baltimore Convention. We therefore recommend that the seat in District Number Two be given to the Hon. Robert Rantoul, Jr.

JAMES S. WHITNEY,
A. L. ACKLEY, *Committee.*

Baltimore, June 1, 1852."

The undersigned consider these facts to be established: —

1. That Robert Rantoul, Jr., was chosen a delegate by the democratic convention assembled in pursuance of the regular call of the democratic committee of the district, in accordance with the uniform usage of the democratic party in that district.

2. That N. J. Lord was chosen by a body of democrats irregularly organized upon special and personal grounds.

And the undersigned submit as a substitute, that the following resolution be adopted by the convention, instead of the proposition recommended by a majority of the committee: —

Resolved, That Robert Rantoul, Jr., be admitted to a seat in this convention, to represent the Second Congressional District of Massachusetts.

Mr. NYE said: The minority report, which has just been read, has been submitted with an honest conviction that the statements it contains will be found entirely truthful when tested by the strictest scrutiny. I desire that it shall receive, at the hands of the convention, that calm and deliberate consideration which is due to a subject fraught with so much consequence. In my opinion, it involves no more nor less than whether the voice of three thousand democrats of Massachusetts shall be heard through the organ that they have selected to speak for them in that assembly. In order that it may have that deliberation, I will move to postpone the consideration of that portion of the report of the committee till to-morrow morning, and that the minority report be printed.

Mr. C. G. Greene, of Massachusetts, said: A statement is made in the minority report which is not correct. It is stated that the Massachusetts delegation appointed a committee of two to investigate the claims of those two gentlemen, and report the result to the committee on credentials. No such resolution was ever passed by the Massachusetts delegation. They did appoint a committee of two to wait upon the contestants, and inquire if they were willing to submit their claims to the Massachusetts delegation, and abide by the decision of that delegation. That committee was understood to have performed its duty, and reported that one of the gentlemen was unwilling to submit his claims to the delegation, and there the matter ended. Before the motion to print is put, I move that the minority report be corrected, so as to make it conform to the facts.

Mr. Nye. The only evidence I had in drafting that report was the authority conferred upon the committee by the Massachusetts delegation, which is in these words: —

> "At a meeting of the delegation of Massachusetts, it was voted that Messrs. Whitney and Ashley be a committee to ascertain if there is any contested seat in the delegation, and if so, to confer with the contestors, and propose to them to refer their respective claims to the delegation, to report thereon to the committee on credentials, or receive any other proposition for adjusting said contest.
>
> Attest: R. Frothingham, Jr., *Secretary*."

That is the authority upon which the statement in the minority report is based. The committee themselves gave to it the same interpretation as is given to it in the minority report, and I think it can bear no other. I hope that the minority report will stand as it is until the matter comes up for discussion; when, if it be not truthful, the gentlemen from Massachusetts will correct it, and the convention will correct it. I object to its being mutilated now.

Mr. Greene. If I understand the language of the minority report, it states that the Massachusetts delegation have conceded that the seat belongs to Mr. Rantoul.

Mr. Nye. Oh, no, it does not say that.

Mr. Greene. We claim that the committee appointed by us mistook and exceeded their duty in making the report to the committee on credentials, on which this minority report is based. The minority report is, therefore, based on error, and I hold that it ought to fall.

Mr. WHITNEY, of Massachusetts. It is due to myself and the delegation of Massachusetts, that I should make a statement. I do not suppose that this second district of Massachusetts is to take up much of the time of the convention, but I am attacked here on a point of veracity. I drew up the report of the Massachusetts committee in the identical language of the written document given to me by the clerk of the Massachusetts delegation; and upon the strength of that document I reported, in precise accordance with the authority given to us, and upon which we acted. I have no doubt that the committee on credentials are abundantly able to judge whether we have exceeded our authority, for we reported to them not only the result of our action, but the original action of the Massachusetts delegation appointing the committee. I for one, and I doubt not the whole Massachusetts delegation, will defer to the judgment of the committee on credentials, as to whether or not we have exceeded our authority. I therefore unite my prayer with the gentleman from New York, (Mr. Nye,) that the report of the minority may not be mutilated, but, with the identical document as it came from the hands of the clerk of the delegation, may be printed, and then, not only the committee, but every member of this convention can examine and judge for themselves as to whether the Massachusetts committee have exceeded their authority.

The motion to postpone was then put and agreed to.

Thursday, June 3, 1852.

The PRESIDENT stated the question to be upon agreeing to the resolution of the gentleman from Tennessee, as modified, so as to read that the convention will proceed to the nomination of candidates at 5 o'clock this afternoon.

General WARD, of New York, moved to amend the resolution so as to make it read that the convention will now proceed, etc.

The amendment was agreed to amidst general applause.

Mr. BRADLEY, of Iowa, here suggested, that before proceeding to ballot for candidates, the convention ought to decide on the Massachusetts contested election case.

The PRESIDENT decided, that that being a question of privilege, it would take precedence of the resolution offered by Mr. Cave Johnson, and stated that the first question would be upon the amendment proposed by the minority of the committee on credentials to the report of the majority.

Mr. Saunders, of North Carolina. They do not offer it as an amendment, but as a separate resolution.

The President. Then the first question will be on concurring in the report of the committee.

Mr. Saunders. I ask for the previous question.

Mr. Nye, of New York. I hope the gentleman will not do that. I want a vote upon both the resolutions.

Mr. Saunders. You can have a vote on the minority resolution, if the majority report is not concurred in.

Mr. Nye. I appeal to the magnanimity of the gentleman from North Carolina, not to insist on the demand for the previous question.

Mr. Saunders. I want no unfair advantage, but I desire to see this question settled one way or the other.

Mr. Nye. So do I, but I want to see it settled rightly.

Mr. Rantoul demanded to be heard.

The previous question was seconded, and the main question was ordered to be now put.

Mr. Nye. There is a mistake. I offered that resolution as an amendment to the majority report.

The President. Debate is not in order.

The Ohio Delegation demanded that the vote on concurring in the report of the committee on credentials be taken by States. The roll was accordingly called, with the following result: —

Yeas. — Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Georgia, Alabama, Mississippi, Louisiana, Kentucky, Tennessee, Indiana, Illinois, Missouri, Arkansas, Michigan, Florida, Texas, and California — 194.

Nays. — Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Illinois, Iowa, and Wisconsin — 83.

So the report of the committee was concurred in.

The announcement of this result was received with vehement and protracted applause.

Mr. Nye, of New York, immediately rose and said: I voted with the majority to sustain the report of the committee, and I now move to reconsider the vote first taken, and upon that I desire to be heard. I make that motion because I am conscious that the convention, in voting upon that important resolution in the hurried manner in which the vote was forced upon us, could not have understood the merits upon which this question rests. Sir, I have no tenacity for the man who claims a seat upon the floor of this convention from the second district of Massachusetts. I never saw him until yesterday, and it is not tenacity for the man; but I thank God I have an innate love of justice that compels me to the position which I have taken upon this question. Sir, I honor and respect every constituency that has sent up any individual to this convention; and I am not for stepping behind their doings to question the political standing of any delegate. I will not impeach the high character for intelligence and integrity of any constituency within the limits of this vast and broad domain. No, Sir; the edict that sends any gentleman to this convention is to me as imperative and as obligatory as the fiat of the Creator himself.

I had the honor, yesterday, to submit this minority report, and I challenge an investigation of its truth. It was questioned yesterday, and the facts which came to us from under the hand of the Massachusetts delegation itself came back upon them like a whirlwind.

Mr. Greene, of Massachusetts. Will the gentleman give way for explanation?

Mr. Nye. No, Sir; I am afraid to give way. I appeal, therefore, to the justice and magnanimity of this convention to reconsider the vote it has just pronounced. I had the honor to be an humble member of the convention which passed upon these credentials, and I desire, here and everywhere, to bear the highest testimony to the good feeling that existed among the gentlemen with whom I was associated. They acted like men. And in making this motion, it is with no desire or design to impeach, in the least degree, the honest intention of any member of that convention. But the facts in this case are these, and upon the facts I rely. On the 20th day of November, 1851, a democratic convention,—listen to the words,—*a democratic convention*, for there is harmony in that sound to this convention, met at South Danvers, a place illustrious in the history of Massachusetts. One hundred and sixty delegates were there present, from the vales and mountains of that district, representing the voice, as it stood, of the assembled district, wherein dwell five thousand as pure democrats as ever breathed God's free air. That voice is, by the vote which has just been taken, hushed into silence. Sir, I am afraid of its consequences. There is something in the formation, the creation, and existence of the mind, that will feel indignant at oppression, and especially in a democratic convention. I know that the free thinking mind of Massachusetts runs with rapid strides around the region where this applicant resides, and where he who opposes him resides. Mind runs with the force and power of electricity. Men will think. They will act in Massachusetts. Though she may be a State in a minority, yet I trust this convention will not stand by and see injustice done to a single democrat from California to Maine. Sir, I am proud to declare to this convention that Mr. Rantoul stands before us,—I will say without any sacrilege, — with the seal of apostolic descent upon him. He is sent here by an organization as old as the party, and that is honorable for its antiquity, and honorable for its truthfulness.

In obedience to that voice, he has come from the heavy surges of the Atlantic waves, from old Cape Ann, to Baltimore, to mingle in the doings of this convention. I have heard much, in democratic conventions, of the great power of the principle of regularity. It is the anchorage of democracy. When you pass by it to gratify the whim of any man or set of men, you set afloat the great principle of the brotherhood of the democracy, which makes it honorable and powerful in its results.

Sir, I appeal to the magnanimity of this convention, to examine well this case, and not step behind the credentials, for I deny the right of this convention, when the credentials are pronounced regular, to say who shall or shall not represent the district, save the person who comes stamped with regularity. The fact of regularity in this case is not questioned. I appeal to every gentleman with whom I had the honor to act upon that committee, to say if the question of regularity was brought up? It follows, then, from this evidence, that Robert Rantoul, Jr., is the delegate who is entitled to a seat in the convention from that district.

Does this convention need any more evidence? If so, I refer with pride to the action of the Massachusetts delegation itself. The committee to which this case was referred, reported that, in their opinion, Robert Rantoul, Jr., was entitled to a seat in this body. Why does not Massachusetts abide by her arbitration? She has selected her own judges, and confided the matter to them; and out of their mouths I but echo the sound that Robert Rantoul, Jr., is entitled to a seat in this convention. Mr. President, that is not all. The gentleman who contests the seat of Mr. Rantoul, has tried his hand at home, in his district, with Mr. Rantoul. In April, 1851, the voice of that district was heard, and it gave forth this language: For Robert Rantoul, Jr., 3,151; while N. J. Lord, his contestant, who ran for congress against him, received the enormous vote of 48! Sir, I can but echo the voice of the district. My voice is that of 3,151 freemen, shouting that Robert Rantoul, Jr., is their choice. Will this convention, I ask, when he comes sealed with the seal of regularity, when he comes backed by that potent majority, dare to say that Robert Rantoul, Jr., shall be offered up here, a martyr? I care not for him; but the voices of 3,151 freemen ring in my ears, and it is their voice that I echo. The voice that sent N. J. Lord here, came forth in this way: A convention was called of all who were opposed to the election of Robert Rantoul, Jr., to congress. That call was as broad as a scoop net, and about as easily run through as the meshes of a sturgeon net. It was called of all persons, black and white, ring-streaked and gray, who were opposed to the election of Robert Rantoul, Jr. Out of that call came the committee that called the convention that sent N. J. Lord here. Sir, I love regularity. It was born with democracy; and when it dies, democracy will die too; for democracy is truth, and truth is always regular. I appeal, then, to gentlemen whose regularity binds them to stand by this motion to reconsider. What is lost by it? Nothing. What is gained by it? The omnipotent voice of more than three thousand democrats. I have now stated the principal facts upon which I have based this minority report. Sir, who is the man that this convention is about to ostracize? Is it that Robert Rantoul, Jr., whose eloquent tongue has aroused the sleeping energies of Massachusetts democracy? Is it that Robert Rantoul, Jr., who, in that awfully-trying canvass of 1844, electrified New England by his eloquent appeals for a son of the South? Is it that Robert Rantoul, Jr., whose learning, eloquence, and principles, have bound him to the bosoms of 3,151 democrats in his district? I appeal to gentlemen not to silence that eloquent tongue in this canvass. Silence it not. He comes here clothed with as much authority as any gentleman upon this floor. One of the Massachusetts delegation (Mr. Davis) who has signed this report, says that unless Mr. Rantoul is here regularly, he (Davis) is not. They may talk about a coalition that was formed in Massachusetts, but Robert Rantoul, Jr., was not its founder. Show me a democrat in Massachusetts that has not been in that coalition! Why, Sir, you would have to take Governor Boutwell out of his chair. You would have to take the democratic judges out of their places. Ah, Sir, Massachusetts has shown the resurrection and power of democracy. She has shaven off her old yoke of federalism. She stands forth clothed in the full beauty of progressive democracy. But, Sir, I have detained the convention too long. The earnestness of the appeal I have made is occasioned by the conviction that the cause I advocate is right.

The Hon. CAVE JOHNSON, of Tennessee, moved to lay the motion to reconsider on the table.

Mr. RANTOUL again and repeatedly demanded to be heard.

The PRESIDENT put the question to the convention, and declared that it was carried in the affirmative, and that the motion to reconsider was laid upon the table.

The Ohio delegation demanded that the vote be taken by States; but

The PRESIDENT decided that the demand came too late.

Mr. RANTOUL handed to the reporter the following sketch of the remarks which he desired to have made, when the convention cut off all debate by adopting the previous question.

Mr. President, in the name of the five thousand democratic voters of my district, and the forty-five thousand in Massachusetts, I demand to be heard, before the outrage proposed by the committee on credentials is consummated.

I stand here unanimously elected by ballot, and on the first ballot, at an unusually full convention of delegates from the towns in my district, which is the only democratic district in Massachusetts, which convention was called together according to the uniform usage of the democracy of the State, by a committee unanimously chosen in October, 1850, at a convention, regular, full, and undisputed, and tracing its title back by the unbroken, apostolical, and orthodox succession of the organization of our democratic party for a quarter of a century.

On this state of facts, the only question that can arise is, are the democrats of Massachusetts competent to select their own representatives in a national council of the party, or does this convention think it just and wise to take them under guardianship, and appoint, to represent them, a man whose ideas are all abhorrent to theirs, and who would be repudiated by them with as entire unanimity as I have been elected? The person who desires impudently to thrust himself into my seat, in defiance of this whole democratic party of the district, was sent here by some twenty-five or thirty persons, collected at a tavern in Salem, who had previously abandoned the democratic party by voting against its regular nominations, — several of them in repeated instances, and for a variety of offices. I offered, before your committee, to prove that at that meeting were whigs, who had voted the whig ticket for several years; free soilers, who had voted the free soil ticket for several years; persons calling themselves democrats, who generally voted some other ticket than the regular democratic ticket; persons hired to attend, and paid in money for their services, — one or more of each of the foregoing classes; that the expenses of the organization of that new party were defrayed by the whig party of the district; and that the persons so got together were much divided in their choice of a delegate. Your committee decided that all these facts were irrelevant to the issue, and refused to hear the testimony.

It is impossible to argue a case which is already as plain as argument can make it. I represent the whole democratic party of the only democratic district in my State. Do you wish to outrage them, and with them several hundred thousand democrats of the North, who think and feel as they do upon the question which gentlemen all around me avow in conversation to be the only ground of this extraordinary proceeding? If you wish to exclude from the democratic party all those who think in common with my constituents on the fugitive law, do you know certainly whether there is any one State in the North in which such an exclusion would not leave the democratic party in a minority? If disapprobation of the compromises is the reason of disfranchising a district in Massachusetts, while the same committee, by the same chairman, reports that those who disapprove the compromises in Georgia are the true democratic party in that State, will the convention put their principles of action on the record, that south of a certain line men may think as they please, but that north of that line the two thirds of the white inhabitants of the United States shall think as the one third south of that line shall dictate to them?

To assign one cause for an action, when, in fact, you are influenced by another which is totally different, is mere duplicity and cowardice. Nobody but an idiot will pretend that there is any question of organization in this case. Avow, then, and place on the record when you act, the true motives of your action. I cannot look upon this attempt except as another experiment to measure the extent of northern servility; to see how far the North will cower before an insolent demand to make independence of opinion, on questions upon which we always differed, a ground of proscription. Unless New England believes George Cabot, author of the fugitive slave law of 1793, and president of the Hartford Convention, to be a democrat, and Matthew Lyon, of Vermont, and Joseph Bradley Varnum, of Massachusetts, who denounced that bill to be federalists, the report of your committee impugns his political orthodoxy. I ask of the convention, first, to do what every man who hears me knows to be just in this case; next, if you determine to do a great wrong, do it not like cowards, but like men. Avow your act, and place your reasons for it on the record, and let the world know the ground on which you mean to stand.

Such were the proceedings of the Baltimore Convention, branding their authors with a burning and ineffaceable shame, and attaching to the democratic party, because associated with the nomination of its highest candidates, the standing reproach of subserviency to slavery fanatics. This ostracism of Mr. Rantoul, who stood in the very front rank of the great men of the American democracy, and compared with whom, his traducers and enemies in the convention, were, for any high service they had rendered, or were capable of rendering the country entirely unknown, and, in their own States, if not destitute of influence, neither deserving, nor possessing, the confidence of the people,—his ostracism by such men, or any men, calling themselves democrats, doubtless took him by surprise, as well as aroused his indignation, and that most of all, for their not allowing him to speak a word in explanation of his position, or in vindication of the right of his constituents to his services as a member.

And what was his course after this affair? What but the exercise of a noble forbearance, a generous magnanimity! Instead of remaining in Baltimore to encourage discord in the convention, or to organize opposition to its action in reference to the great objects for which it was called, Mr. Rantoul repaired immediately to Washington, and resumed his arduous labors as representative. His heart and soul, and indefatigable efforts were devoted to the service of his constituents and his country. The tariff and the fisheries were subjects upon which he intended to speak, and on which he had perfected all the details of preparation, before his last illness. Soon after his return to Washington, however, he felt it due to himself and to humanity, that the country should understand that no proceedings of conventions could prevent him doing his own thinking, or uttering his free thoughts. On June 11, he delivered his admirable speech on the constitutionality of the fugitive slave law. Private business afterwards called him to Illinois, whither his lady accompanied him, and on his return to Washington he stopped two or three days in Beverly, most unexpectedly to his friends, and without any previous intention of so doing on his own part. News of his unlooked for arrival flew with the rapidity of thought through District No. Two, when he was besieged with requests to meet his constituents somewhere on the 5th, (the 4th of July being Sunday). Exhausted by the fatigue of his long journey, and his time at home completely occupied, he, however, consented to meet his constituents in Salem, on the 5th. Of his reception there, the following is from the "Bay State," of July 8, 1852.

In answer to the call of the regularly constituted democratic district committee, the democrats of the second district assembled in Mechanic Hall, Salem, on Monday, the 5th inst., "to confer with each other upon the present aspect of political affairs, and especially those of the second district," and with the understanding that the Hon. Robert Rantoul, Jr., representative to congress from the district, would be present and address the meeting.

The notice of the meeting had been short, and many of the neighboring cities and towns had made arrangements to celebrate the 'glorious fourth' on the same day; yet such was the desire to see and hear Mr. Rantoul, that before the appointed time, three o'clock, P. M., the people came into Salem as the waves come when the sea rushes to the shore on a full tide and a strong breeze.

As Mr. Rantoul left his home in Beverly and approached the hall in Salem, the booming of cannon announced his coming. One hundred guns, with their deep-toned notes, echoed on the sea and the land, in honor of the man who had been true to his constituents in congress, and true to his party and to truth as their delegate to the national convention.

Mechanic Hall is the largest public building in the county, holding two thousand people or more. On this occasion it was crowded with as enthusiastic an assemblage as the eye of man ever rested upon.

On taking the chair, the president addressed the meeting in some brief and pertinent remarks. A committee having been appointed for that purpose, — Mr. Rantoul being present in the ante-room, — conducted that gentleman to the hall. On entering it, he was greeted with cheers upon cheers by the vast assembly; hats and handkerchiefs waved, and huzzas upon huzzas rung out, deep, loud, and long, in a manner which was never beat on any occasion. Mr. Rantoul had reason to be, and undoubtedly was, as gratified with his reception as his constituents were proud of him, and sincere and hearty in their welcome. It was no half-way business. There was a fresh, hearty outbursting, from honest hearts, of love and admiration for one having a heart large enough for humanity, and a head clear enough and great enough to establish a reputation as one of the first of American statesmen.

When order was restored, George P. Burnham, Esq. of Melrose, rose and offered the following resolutions, which were, at the close of the meeting, adopted: —

"*Resolved*, That the democracy of the Second Congressional District of Massachusetts hail with the highest satisfaction the nominations of the late convention at Baltimore, and we pledge ourselves to give to Franklin Pierce and William R. King, the democratic nominees, our warmest, our heartiest, and our undivided support at the election in November next.

"*Resolved*, That the occasion which now calls us together is one of peculiar pleasure, inasmuch as the opportunity is thus afforded us to exchange congratulations with one of the most favored and honored sons of New England,—Robert Rantoul, Jr.,—the tried and faithful supporter of democratic principles, and the able congressional representative from this district.

"*Resolved*, That as democrats, educated in the true faith, we know no authority in our political creed beyond that which is conferred by the people themselves; and in our political organization, we recognize but one course of conduct in reference to our candidates, to wit—the uniform support of *all* regular nominations.

"*Resolved*, That inasmuch as Robert Rantoul, Jr., of Beverly, was the delegate of the democratic party in the second district of Massachusetts, to the Baltimore Convention of 1852, nominated by the whole party, in due form, and through the regular constituted authority, and was duly elected to represent said party and said district—in that body—therefore—

"*Resolved*, That the action of said convention in rejecting the rightfully chosen delegate from the second district, (and also his substitute, Hon. George N. Dike, of Stoneham,) was a gross violation of one of the fundamental principles upon which our party is based. And, while we assert that this act of the convention is without parallel, defence, or precedent, we are compelled to denounce it as impolitic and ungenerous, and deserving of the severest censure of every democrat throughout the land.

"*Resolved*, That, as in times past we have supported no man for public office who has not been regularly nominated by recognized authority, and who has thus been presented properly for our suffrages,—so, as democrats, we will hereafter support no man in this district other than the nominee of the regularly organized democratic party thereof.

"*Resolved*, That our confidence in the integrity and thorough democracy of Hon. Robert Rantoul, Jr. is firm and unimpaired. That we are proud to greet him on this occasion, and embrace this opportunity to express our hearty and unqualified approval and indorsement of his public career,—and especially his course in the congress of the United States, during the present session. And, while we thank him for his zeal and devotedness to our cause, we cordially bear witness to the ability and ardor which has characterized his acts in furtherance of democratic truth and equal rights upon the floor of the house of representatives of the United States."

After the reading of the resolutions, Mr. Rantoul took the stand. Again did the enthusiasm of the immense audience break out in a storm of cheers. He commenced and continued for about one hour and a half in a speech of great eloquence and power.

At numerous county and district conventions, and town meetings, where the nominations of the Baltimore Convention were ratified with enthusiasm, addresses were made and resolutions passed, which rebuked, with deserved indignation and contempt, the action of that convention in relation to Mr. Rantoul. The democracy of Massachusetts deemed themselves insulted, in his person, when his demand to be heard, and when by every rule of justice, as well as parliamentary usage, he had the clearest right to be heard, in vindication of his claim to a seat in the convention,—was met by the denial of that right. It was deeply felt at the North, deeply felt everywhere, that a more just demand was never made, than that of Mr. Rantoul, for a hearing, before the convention decided against him. The insolent arrogance of injustice, "clothed with a little brief authority," was never carried further, than by the men, who, in the bitterness of their malice, had for months been plotting against him, and now consummated their crime against liberty, by refusing a request, which no court of justice in a civilized country can deny to the greatest malefactor,—namely, to be heard in his own defence. It is for this that the proceedings of the Baltimore Convention in the case of Mr. Rantoul will always be remembered only to be execrated. Neither the design of this work nor the space in it admits the numerous addresses and resolutions so strongly expressive of the indignant sentiments of freemen, which those proceedings called forth, should be transferred to these pages. The style of them is sufficiently illustrated by the following resolutions. The democrats of Worcester assembled in large numbers at the City Hall, on Wednesday evening, June 16, 1852, and—

"*Resolved*, That the rejection, by the national convention, of Hon. Robert Rantoul, Jr., (the regularly elected delegate of the four thousand democrats of the second district in this Commonwealth,) was an act in violation of a fundamental rule of party organization. Yet as we believe that the convention decided the case under a misapprehension of the facts; and furthermore, that it is eminently a matter for the party at home to settle among themselves, that distinguished democrat may commit his claims to the continued confidence and regard of the democracy of Massachusetts, to that sober judgment of the people that will sustain the right while it condemns the wrong."

The democrats of Norfolk county, at their mass ratification meeting at Quincy, with similar spirit —

"*Resolved*, That we, in common with the democracy of Massachusetts, adhere to that foundation of our principles, that all power emanates from, and is in the hands of the people; and we recognize the right of no national convention to decide whom the democrats of any district shall elect to represent them in convention, or in congress; and that honor and praise belong to those delegates from this State who nobly stood by the democracy of the second district, and supported the claims of their regularly elected and distinguished delegate to his seat in the national democratic convention."

Indeed, there was but one sentiment on this subject known to the intelligent and the free throughout the country, whether north or south of Mason and Dixon's line.

SPEECH AT THE DEMOCRATIC DISTRICT CONVENTION,

HELD AT SALEM, JULY 5, 1852.

Mr. President, Ladies, and Gentlemen: — It is with great pleasure that I have this opportunity of meeting once more so many old and tried democratic friends, who have stood by me so long, and who, from what I have heard since I entered this hall, I believe will do me the justice to say that I have always stood by them. No newly manufactured democrats, boasting of newlyfangled dogmas with which they seek to supplant the ancient faith of the Declaration of Independence, of the rights of Massachusetts, and of the Constitution of the United States, no bringers-in of damnable heresies into the pure church of the gospel of freedom, do I see before me; but wherever I turn my eyes I behold men proved and tried in adverse as in prosperous fortunes, veteran followers of Elbridge Gerry and of Samuel Adams, of Jefferson, and Madison, and Jackson, unterrified when adversity frowned darkest, invincible and incorruptible by the seductions of success and power. Everywhere in this throng, almost too vast for the ample dimensions of this noble structure, do I recognize the well known countenances of the men, and the sons of the men, (for I can now remember a great way back,) whom I met here in this city, in March, 1834, when the high-toned maxims of the British monarchy were proclaimed as the oracles of American statesmen, when aristocracy and federalism gathered all their forces, when gloom brooded over the democratic party, and the tempest burst upon us. I remember well those times. When that squall struck the ship of State, the fair-weather sailors, the fresh-water navigators, did not keep their stand upon the deck. They had not got their sea-legs on. It was for us then, my friends, to breast the storm. We looked the wind in the eye. We encountered with unblanched cheek that terrible crisis, and swerved not for a moment from any point of duty. It is not for the land-lubbers who skulked below till the hour of danger was over, to undertake to give us lessons of practical seamanship.

There is nothing so wholesome, there is nothing so favorable to a healthful development of our free democratic institutions as an occasional recurrence to the fundamental principles on which those institutions are based. This day and this place are peculiarly fitted for such recurrence. The anniversary which calls together this day the millions of our fellow-countrymen, naturally suggests the consideration of those principles, and of the history of their establishment, nowhere more appropriate, more gratifying, more instructive, than within the limits of this Commonwealth. For, let me say, it is the State of Massachusetts to which freedom, a generous, a broad idea of freedom, first took root upon this continent. Why, my friends, in the year 1620, when the Pilgrims had reached our shores, not when they had first landed, but before they first landed, on the 11th of November, what was their first act? It was to combine themselves into a civil body politic, and they drew up a social compact which was the first true social compact since the world was made.

It was the fathers of Plymouth colony, the oldest portion of Massachusetts, who, on that day, before they first landed in 1620, laid the foundations deep and strong upon which we have built. Let us trust in God that we build not stubble, but true and solid stone. How was it in Salem? Here our fathers began before they crossed to this side of the ocean. The men who founded the colony of Massachusetts Bay, by the settlement of Salem, Saltonstall and others, refused to come here until the charter had been transferred wholly to this side of the Atlantic. In August, 1629, they declared that all the powers of an active government should be transferred to this side of the ocean before they went on shipboard; and they went on to exercise powers in 1634, which, to use the words of Chalmers, could only be justified by "those principles of independence which sprang up among them, and have at all times governed their actions." He charges it upon them that they came here intending to establish the principles of free government in Massachusetts Bay; and I doubt not they did so intend. We, then, stand on holy ground. Their early acts our fathers did not afterwards belie. In 1638, they refused to return the patent to England, disobeying the peremptory mandate of the court. But some "bad minds — yea, and some weak ones," said they, "would think it lawful, if not necessary, *to accept a general governor*." These were the beginnings of independence and liberty in Massachusetts.

The world is by this time aware what beneficial genius inspires American progress, and what miracles she has wrought already, and what she promises to achieve hereafter, transforming altogether the apparent destiny of the human race. A hundred years before the event which we celebrate, it seemed that the toiling millions of men were doomed forever to bear the burden of hereditary masters, and that tyrants were born booted and spurred to ride them "by the grace of God." Now, no sane man believes in any other "*finality*" than the universal emancipation of every soul from the dominion of another. The question is no longer, will it come, but only *how* will it come; how with the least delay, the least suffering, the least bloodshed, and the greatest good to all. It is the leaven of American doctrine and example, fermenting in the heart of the old world, that has brought about this change.

At the close of the seventeenth century, less than one third of a million of humble colonists lined our Atlantic seaboard. Seventy-six years later, their descendants, still less than three millions in number, declared themselves an independent nation. Now, after an equal lapse of time, twenty-five millions inherit the fruit of the great deeds of the founders of our nation, a population more numerous than that of the island of Great Britain; more intelligent, and possessing more of the means of comfort and enjoyment than any equal population on the globe. Look forward for another period of seventy-six years, and they will have multiplied to more than two hundred millions of souls, and will display more wealth and power on land and on the sea, and will exert a greater influence on the world, than Great Britain and France combined. It is this spectacle of growing greatness to which all eyes are turned, and towards which, should our virtue be as rare as our felicity, all hearts will be attracted.

I have intimated to you how independence and liberty originated in Massachusetts. And the Union, where did that begin? In 1643, a union was formed between this and the neighboring colonies. In 1775, the colonists met through their delegates to carry on resistance to Great Britain. Chalmers, writing soon after that time, says that this Union of

1775 was but the duplicate of 1643, and that "both originated from Massachusetts, forever fruitful in projects for independence."

It is not necessary for me to quote history further to show you where American independence began. It began here, in Massachusetts, — and perhaps I might say, with the early settlers of this city of Salem. American independence commenced here in Massachusetts. It was effected here. They were Massachusetts men that developed the idea, the great plan of resistance to the colossal power of a British empire. How soon, think you, did the independence of these colonies occur to any man in the United States, and who was the man to whom it occurred? One hundred years ago or thereabouts, John Adams, writing a letter, when he was a boy as you might call him, for he was then in his tender years, almost a quarter of a century before the Declaration of Independence, gave his opinion that in one hundred years the population of the colonies would be equal to that of Great Britain. If he had been selecting the precise year in which this equality would occur, he could not have made a nearer approximation. At the time he mentioned, the population was about the same as that of Great Britain, and the shipping was a little larger than that of Great Britain and Ireland together. There was the mature sagacity of a young and vigorous Massachusetts mind. For it was John Adams, also, who, writing in 1754, said that sooner or later these united colonies would become a great and independent nation, — powerful on the land by their union, and more powerful upon the sea than either Great Britain or France. Why, it is hardly to be expected of mortal man, that he should foresee the future as did John Adams.

You all know who introduced among the members of the congress the idea of the Declaration of Independence, and you know, too, by whose influence it was that that idea of a Declaration of Independence was strengthened and prevailed. Thomas Jefferson, who wrote the Declaration, has said of John Adams, that he was "the Colossus on the floor who sustained it in debate."

I have alluded to these subjects, because they show us where we have stood. Massachusetts men have stood in the fore-front of the battle of freedom. And the question is for Massachusetts men, Shall Massachusetts continue to stand where she has always stood, — first and foremost in the van of freedom, confronting all assaults, — defying, whether by direct onset or by the power of corruption, — defying all attacks, either open or secret? Shall she lead the van in the battle of liberty, as she has been wont to do for more than two hundred years past?

Massachusetts was not content that she had championed upon the floor of congress, the Declaration of Independence. Massachusetts did the hard work which wrought out the realization of the Declaration of Independence; did what made it to be acknowledged a fact by all the nations of the earth. In that work Massachusetts had the greatest share. It was God's blessed beneficence to the colonies that the war broke out where it did. It broke out in Massachusetts, because there was the right place for it. If Providence had permitted it to break out somewhere else, the result might not have been what it was. It broke out here, — at the old north bridge in Salem; there was the earliest resistance. At Lexington, American blood was shed. At the old north bridge in Concord, British blood was shed. The battle of Bunker Hill inaugurated American independence, and gave men courage to maintain American liberty. Our fathers saw that British troops were not invincible; this was demonstrated by Yankee farmers. And who better than they were fitted to demonstrate it? How many Americans fought in the revolutionary contest? 288,134 in all! How many of these were from New England? 147,694! More than half of all the regulars and militia were New England men, of whom Massachusetts furnished 83,162. And of the naval force, New England furnished nearly the whole, — aye, Essex county nearly the whole; and yet the work on our own soil and waters was not all that New England men did. We made short work of it on New England ground; and afterwards had to do somebody's else fighting.

You know that on the same day on which St. Patrick drove the reptiles out of Ireland, — and a very good work he did too, — on that selfsame day of the year, Gen. Washington drove the red-coats out of Boston, and they no more ventured to come back again, than the reptiles have to the green Emerald Isle on the other side of the Atlantic. After St. Patrick's day and the evacuation of Boston, there was very little to do in Massachusetts so far as the war was concerned, but it went further south; to New York, through the Jerseys to Philadelphia, until, by and by, it reached the Carolinas, where there was much trouble. Cornwallis drove everybody before him. What was to be done? They sent on a Rhode Island blacksmith, General Greene, and then the work was done. Hamilton wrote to Washington, "Send on Greene, and my head upon the result." Greene knew how to strike hard blows until the work was accomplished.

You may think I am giving the story from one-sided views, but I will give you South Carolina authority. Robert Barnwell, in a discussion that arose in regard to the adoption of the Constitution of the United States, January 17, 1788, said, "I see not a man who does not know that the *shackles of the South* were broken asunder by the arms of the North." That is what I call belonging to a national party. Slavery, I thank God, is sectional. I said so in this hall before I went to congress, at your request. I say so now again. Slavery, I thank God, is sectional, and liberty is national.

The liberty that was given to the Carolinas in the latter part of the revolutionary war, was bestowed upon them by strong Yankee arms, and stout Yankee hearts; and they acknowledged it was so.

Now, my friends, I want to get rid of certain sectional feelings that exist now-a-days. There are sectional ideas belonging not to this part of the United States; by no means! belonging to another part of the United States, which some gentlemen propose to force down our throats. But they are not the natural food of northern true American democrats. They are poison to our natures. There is but one course by which a great nation like this can be kept together; and that is, that if there be in any part of this great nation, institutions repugnant to the hearts and the feelings of another portion, and that the larger portion of this Union, those institutions must be kept where they are. They are not to be brought here. I do not go into South Carolina and tell the South Carolina planter what he shall do with his slaves, or what he shall not do, or say, or think, about the institution of slavery. Nor shall he come here. He shall not come here and tell me what I shall do about the institution of slavery. And if he does come here to tell me what I shall do, say, or think about the institution of slavery, what I propose to do is, to send him back again.

And so I propose to get rid of sectional parties, sectional feelings, and sectional plans. I propose that the government of the United States shall act upon those interests and those opinions which are national, and not upon those which are sectional. We have great interests. We have interests common to this whole nation. We have interests intrusted to the general government, upon which I can meet the gentleman from South Carolina, and we can reason out the best disposition to be made of these subjects. We can go together for the interests of this great nation. Upon those interests which are common to South Carolina and Massachusetts, and which have been committed to the general government, let the general government act. It was not made to act on sectional interests, and they were not committed to it. It is as capable of demonstration as any problem in Euclid, and no man who assisted in forming the Constitution of the United States ever dreamed at that time that the general government was to act concerning slavery as it has acted. If any political problem was ever capable of an answer, and that answer capable of a demonstration, it is, whether the convention which formed the Constitution of the United States intended that the government of the United States should legislate as it has legislated on human slavery. There is but one answer. I know that what I say here will be read in other parts of the country, — even in Florida and Alabama. I say, then, that I would be glad to meet that logician who will take ground against the proposition that the Constitution of the United States does not grant one iota of power to congress to meddle with the subject of fugitives from service or labor.

Well, then, are there great and general principles that will cover this question, and apply to other questions also? If there be, it is well to examine them, and try this question by the test of our system. If not, we must study this out as an exceptional case. I think there are doctrines lying at the base of the American system which lie also at the base of this question, and which are doctrines that you and I have believed for a quarter of a century, the very base of great democratic principles, as they have been understood and proclaimed by Thomas Jefferson himself. And what are those doctrines? It is of no use to tell me that the democratic party occasionally belies its own doctrines. It is of no use to tell me that it sometimes does foolish things. There never was a party that did not occasionally belie its own doctrines, and sometimes do foolish things, because parties are made up of men, and men are not infallible. I look at the great principles which lie at the foundation of our parties since we had a government; and I say the corner-stone of the democratic system of politics, as it was laid down by Jefferson in 1791, is now the corner-stone of the democratic system of politics. Thomas Jefferson, in 1791, declared that the corner-stone of the Constitution of the United States was in the 10th article of the amendments, which says that "all powers not expressly delegated to the general government by the Constitution are reserved to the States or the people." We are obliged to look jealously to the action of the general government concerning those powers which are not delegated to it. If we do that, and act up to that, then we are democrats. If not, then we belong to the opposite party, call it by whatever name you please.

I have not yet learned that the way to find out the democratic track is to look for measures which Mr. Clay introduced, which Mr. Webster advocated, and which Mr. Fillmore brings his official influence to support and carry through congress, and which the whig president claims as his policy. I do not look there for democratic measures. But I look back to the old democratic principles. In Baltimore platforms I make a distinction. The firm old white oak timbers, the seasoned planks that have stood and weathered the storm through many a contest, are one thing. Any trumpery that may be temporarily put on, and then stripped off again, I do not regard. Let us look at the old main timbers: —

"*Resolved*, That the federal government is one of limited powers derived solely from the Constitution, and the grants of power therein ought to be strictly construed by all the departments and agents of the government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers."

This is the first definition of democratic doctrine as it has stood for a great many years. It is the old platform. It is the thing which if carried out to all its consequences leads to a true result. Carry that out to its legitimate consequences and I am content. I look a little further, and see that this year two additions have been made. One is the indorsement of certain members of congress, and the other is the following: —

"*Resolved*, That the democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798 and '99, and in the report of Mr. Madison to the Virginia legislature in 1799; that it adopts those principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import."

I am satisfied with that. What did the Virginia and Kentucky resolutions determine? They determined that precisely such measures as those which these wise gentlemen in Baltimore concluded to indorse were prohibited by the Constitution of the United States, and that it was an usurpation of power by the government to pass them.

The alien and sedition laws, — why were they unconstitutional? First, because there was no grant of power in the Constitution to congress to pass them. But Massachusetts and New Hampshire said they were constitutional. And why? Not because they could find any grant of power in the Constitution. It was *implied power*. And New Hampshire now gives it up and admits that they are unconstitutional, although by her legislature she had once unanimously declared that they were constitutional.

The next reason why the alien law was unconstitutional is, because it undertook to give the right to carry a man out of the State in which he was found, without the trial by jury. Have you not sometimes heard it said that a colored man could not have a trial by jury because he was not a citizen? You reply, "Massachusetts has made him a citizen." "O," the response comes to you, "he is not the kind of citizen intended to be protected by the Constitution of the United States." Mark the parallel between these two cases. Mr. Jefferson said, "These alien and sedition laws are unconstitutional. You cannot take a man away from Massachusetts without a trial by jury to determine whether he has the right to remain there." What is the answer to Mr. Jefferson? "O, he is an alien and therefore not a citizen, and the Constitution was not made for aliens but for citizens only." Now the Constitution on the one hand does not say any thing about an alien, or on the other hand any thing about a colored person. It says, "no person." And is not the alien a "person?" And is not the colored man a "person?" That reply did not go down with Thomas Jefferson. An alien is a "person," and a colored man is a "person."

First, there was no power in the Constitution to pass this law. And then, even if there were such a power, the Constitution expressly says, "no person shall be deprived of his right to life and liberty, or property, without trial by jury."

When the Baltimore resolutions say they are going to carry out fairly the doctrine which demonstrates the unconstitutionality of the alien and sedition laws, I am waiting to see them do it.

The ideas that I am advancing to you are not new. They are the old doctrines of the old democrats of New England. When George Cabot of Beverly, who never was a democrat that I ever heard, and who afterwards presided at the Hartford Convention, drafted the fugitive slave law of 1793, did he intend a democratic act? What happened when that law first came up for discussion in congress? Soon after the passage of that law, free men of color were seized in Delaware and sold as slaves; or, at least, it was charged that free men of color were seized in Delaware and sold as slaves; or, at least, it was charged that free men of color were seized in Delaware and sold into slavery in States further south. The legislature of Delaware remonstrated against it. I have told you the ground which Jefferson took in regard to the right of trial by jury. The democrats of New England took the same ground. I dare say you all know how few democrats from New England there were then in congress. Old Mat Lyon was one. He was the man who was fined under the sedition law, and whose fine Jefferson remitted. A great deal was said about Jefferson's giving up the money that belonged to the treasury of the United States. But he said the law was unconstitutional; and that money which had unconstitutionally entered the treasury was not constitutionally in it. Mr. Lyon spoke of that law very much in the same style as I have attempted to speak of this one.

There was another democratic member, Joseph Bradley Varnum, who was sent to congress from Dracut, in this very neighborhood, though not in this congressional district. He made one of the few speeches which were made in that debate, declaring that the congress of the United States could not take the right of any man to liberty, without a trial by jury. He maintained that a man, white or colored, was constitutionally entitled to his trial by jury. That was the ground that was taken at that time in this part of New England by our staunchest democrats. The president of the Hartford Convention, George Cabot, and other staunch federalists, sided with Mr. Fillmore and the staunchest whigs of the present day.

Who was the foremost democrat in congress at that day, the man of the clearest and most logical mind, the man who pushed his doctrines to their legitimate conclusions? It was Albert Gallatin. He took grounds which I should be ready to take now. What was the answer of southern men? "You will shake the security of property at the South." "When," replied Mr. Gallatin, "the supreme court of Massachusetts says that there can be no slave in Massachusetts, and that shakes the security of property at the South, has she the power to do it? When Pennsylvania passes an act for the abolition of slavery within her borders, can she not do it, because it shakes the security of southern property?" He scouted such doctrines then, as he would now scout them, if he could come back from his grave.

I am, then, following in the beaten track of the old leaders in democracy, of those who made the Constitution, and understood the Constitution, and knew that this was a government of limited powers.

Why have we met here to celebrate this day? What is it that we celebrate? What have we gained by being separated from Great Britain? What was it that made our fathers desire independence? I must quote Chalmers once more. He said, that long before the declaration of independence, "these men of Massachusetts could not bear to be governed by men living three thousand miles off." Even if you suppose that those men might have been the best in the world, was it not better to be governed by persons at home? It was the desire of local self-government that caused the separation from Great Britain. Local self-government is the great principle at the foundation of all our institutions now. What is the difference between us and France? I will tell you. Here government is localized; it is brought home to every man's door; the school district is here, and the committee manages the school, and the United States do not do it. Each town manages its own affairs. We, in our local corporations, and not the United States, make our own roads; the State legislate on domestic concerns. But in France the power is centralized, — Paris is France. If a bridge is to be repaired at Marseilles, it is done by an authority emanated from Paris. If the president desires only such men as are of a certain politics, then those of that political faith only can obtain the public employments. These central influences prevent the possession of such true liberty as we have organized. In this country, on the contrary, we localize the powers of the government, and distribute them through a great many channels. It would not be possible to have our liberty under such a system as exists in France. There would be nothing strong enough to resist the power of the general government; the general government would do what it pleased without opposition. Here, on the contrary, we have State powers, county powers, city powers, town powers, and they all manage their own affairs; and this right to manage our own affairs is the greatest and the dearest of our privileges which we obtained when we secured our independence.

This day, sacred to the achievement of independence originally, is the day on which to determine that we will carry out the principle of self-government; the principle that Massachusetts is a sovereign, independent State; that Massachusetts has the power to protect the liberty not only of every son of hers, but of every alien guest of hers, whether he came from Ireland, from Germany, or whether he came from another State in this Union; whether his color be white, or yellow, or black.

Having said, that, in my opinion, the great principles that lie at the foundation of the democratic party settle these questions relating to slavery as they settle all other questions of our politics, that there is a system, the only course is to adhere to that system, and carry out all these principles which we profess.

Now comes on again one of those periodical struggles between the two great parties in this country; because permanently there are but two parties. Questions arise occasionally which create new parties, having, however, in numbers only a small fraction of the whole, and being of very brief duration. But looking at the life of a nation, there can be but two great parties. The one is desirous to take the most care of liberty, and does so by strictly construing the Constitution of the United States. The other desires to take the most care of property, and does so by loosely construing the Constitution of the United States. That is the fundamental difference between the two parties. I do not say the whig party does not sometimes think of liberty, but they make it subordinate to property. I do not say the democratic party does not sometimes think of property, but as a general thing it is liberty first and property afterwards. The man who thinks he is a democrat, and seeks to produce that state of society which builds up great accumulations of property in few hands, who attempts to use the general government for that purpose, and dares to sacrifice liberty, (whether in the person of his white brother, or his colored brother, I care not.) who is willing to sacrifice or endanger liberty because it will make a tenth of a cent's difference in the price of cotton goods, is no democrat.

A question arises, then, and it is a pretty important one, (though I do not know as it will trouble you to decide it, and it certainly will not trouble me,) and that is, what course ought we, as democrats, to take in the coming presidential contest?

Let me allude to the Baltimore Convention, in which you were all interested. I do not speak of my own interest. That is a small matter. But it so happens I stood there representing the rights of the Second Congressional District, and also representing, in part, the rights of the sovereign and independent State of Massachusetts. You all know that a fraud, a gross and base fraud, was perpetrated upon the convention. I do not say that that convention, with their eyes open, and knowing what they were doing, meant to insult this district. I say that a very large part of them were imposed upon. Some few, I believe, meant to outrage this district. Others, and a larger number, were imposed upon by frauds industriously circulated among them.

Now, does that outrage, perpetrated upon this district, — does that denial to this district of its rights, — does the denial to the State of Massachusetts of its rights, — alter our position with regard to the great democratic party? It does seem to me that if I go to a convention, and take part in the doings of that convention, and do not withdraw from it, I may be supposed to be bound by that convention. If I am not there, and not represented there, then I am not bound by it. I am not at all bound by any thing that has been done in the Baltimore Convention.

The action of the convention places me in the attitude of a looker-on. What ought I to do? Here is a presidential election coming on. I have already told you what are the great political issues involved in this contest, as in every other. The fugitive slave law, as between the two great parties, is not an issue. For they are, in that respect, precisely alike. The democrats, on account of that plank in their platform, say you must vote against the whigs. The whigs, on account of the same plank in their platform, say you must vote against the democrats. And two negatives, we used to learn in our boyhood, are equivalent to an affirmative, and nullify each other. Both parties lay down something as a part of a platform against which I enter my protest, here and everywhere else.

But the question comes, is any one else to be president, except one of the two leading candidates? Some of you, my friends, may dislike the fact, but it is none the less true. Two great parties have determined upon their course of conduct. They have brought forward their candidates, and one or the other must surely be elected. I do not act upon abstractions; and as a practical man I am bound to act practically, so far as results are concerned. There is but one alternative, between the two possibilities of which I am at liberty to choose. One or the other of two men is to be president of the United States. I mean, supposing they both live; I mean, supposing there be no extraordinary and unforeseen concurrence of circumstances. I mean, according to all human probability, one or the other of them will be the next president. And the question is for me, which ought I to aid to elevate to that position?

But some will say this district has been insulted. That does not change the nature of the principles at stake. Suppose your representative had been assassinated! Even that would not change the nature of the principles at issue.

If the democratic party succeeds, one set of principles will prevail. Suppose the other succeeds, I hardly know what they will do. When they put forward platforms they put into them principles for which they might almost be indicted for larceny. They present us a sort of semi-democratic faith softened down, which I don't exactly relish. It is an attempt on the part of the whig party to creep into democratic guises, and carry off a portion of the democracy whose principles are not fixed and defined.

I trust that the democracy of Essex are not to be led away by any such doctrines as those. We are none the less bound to stand by our own well defined principles because we have been badly treated by men acting mostly under the imposition of others. I am not at liberty to vote against principles that I know to be sound, because my district has been insulted, because I have been wrongfully treated, because Massachusetts has been maltreated. I am bound to follow out the doctrines which I believe to be true, however unpleasantly certain transactions connected with the action of my party may strike me or may strike my friends.

There is, I say, therefore, no alternative. Gentlemen may say, (for it is an idea that arises in some minds,) "I will not vote for the man with whom I disagree." Suppose we carry that doctrine out in all our relations. Would it ever happen that we should choose any man for any office from one end of the Union to the other? I find one man who differs from me on the Maine liquor law, and on nothing else. I find another man who agrees with me on every thing else except the common school system. I find another who disagrees with me about laying out a road, but agreeing on other points. There is another man who agrees generally with my views, but who does not like a certain man who has been appointed to office. Must I withhold political fellowship from all these men? There is but one way to carry out a great system of measures, and that is to follow it up, to strike blow after blow, and by and by you will come out right.

In a war, it sometimes becomes necessary to bombard a city, and a person may be killed whom you may have no reason to injure. In many a battle you must either risk shooting your friends or shoot nobody; the rule is to blaze away. It is just so in the confused battles of politics.

You know when the Hindoos thought it religion not to eat any animal food, it was very easy for them not to partake of the larger and even the smaller animals. But soon an Englishman brought a microscope to them, by means of which they discovered animalculæ in a single drop of water, and in every article of food; they began to think, therefore, that their religion was impracticable.

You cannot carry on a great movement and have every iota of your choice realized. And I do not confine this to little and unimportant affairs. I say there are high and important affairs managed very differently from what I desire. But I cannot, therefore, cut myself loose, and say I am opposed to you, Sir, because you are against me in common schools; and I will not vote for you, because you are against me on the Maine law; or for you, because you are opposed to me on building a certain road. But I must take the policy which is to do good in the long run. If I do not, my action on one day is nullified by my action on another day. A straightforward course, then, in this district, is as clearly our duty now as at any former time.

A VOICE. Why were you rejected from the Baltimore Convention?

Mr. RANTOUL. The question which the gentleman asks is a very proper one. I am perfectly ready to state. I went by the unanimous choice of the democracy to the Baltimore Convention. There a committee on credentials was appointed. Before that committee of the convention I appeared. There were contested seats in Vermont, Georgia, Maine, and Massachusetts. I found my seat claimed by another person. I showed to the committee the certificate of the meeting at which I was unanimously elected. I showed them the proof that that meeting was regularly called by the regular democratic committee. I showed them that that committee was regularly chosen, unanimously, at a regular convention of the whole party. I showed them that Mr. Lord was chosen by a small party, first organized in 1851, of those democrats opposed to my election as a member of congress. And there I rested my case. Mr. Lord set forth by a printed statement that I had declined a regular democratic nomination, and that I had accepted the nomination of the free soilers. As regards that statement, I told the committee what you all know to be true. The chairman of the committee was Edmund Burke of New Hampshire. He held me strictly to their rules of order. One of these was, that each of the contestants should be allowed fifteen minutes. Now, a great deal can be said in fifteen minutes, but I had scarcely commenced before a member of the committee put me a question which it was necessary to answer; then as soon as I returned to my line of argument I was asked another question. These questions I could not well refuse to answer; and the consequence was that a large part of my fifteen minutes was taken up in asking and answering questions. Then the majority of the committee did not wish to hear more, although the debate upon the subject among the committee continued through a large part of the day. Yet I could, according to the rules, say nothing more.

A circumstance, however, occurred, which the member who introduced it said would influence his vote, and which, perhaps, influenced the votes of others. The question was put to me by a member of the committee, pretty nearly in these words: "If Mr. Rantoul takes his seat in this convention to represent the Second Congressional District in Massachusetts, I wish to know whether he will agree to the resolutions that may pass the convention?" Now I never saw the convention in my life, to the resolutions of which I would agree before I saw them. And I answered instantly, that I suffered no convention to do my thinking for me. I do it for myself. And I suppose, although the cup was full before, that that was the drop which caused it to run over.

A VOICE. I want the names of the men that are the cause of your rejection.

MR. RANTOUL. There are two: Edmund Burke, of New Hampshire, and B. F. Hallett, of Boston. I am not going to say any thing very severe about them. I only hope they will live long enough to repent and be ashamed of their part in the transaction. I have not alluded to them before, because I have too much respect for this audience to take up their time with what B. F. Hallett or Edmund Burke may do. We come here on the anniversary of American independence to talk about principles of infinitely more consequence than a whole army of B. F. Halletts. For that reason I have not mentioned that man's name before; but I was perfectly ready, when called upon, to say what I think was his part in this matter.

I say that the great principles that have led this nation on to glory, — the principles that have made us a free people when we were colonies, — the principles that have made us independent when we ceased to be colonies, — the principles that have governed this country, — have been democratic principles. If this is a great and glorious nation, the democratic party, which has been in power for most of the time since this nation had an existence, has made it great and glorious. If there is any thing that has made us great and glorious, it is, then, the administration of the democratic principles. These principles have made us what we are, — the first nation in the world in intelligence, virtue, and happiness,

— and being very soon to make us the first nation in numbers and in power, and a light to all other nations, — these principles, I maintain, must not be departed from.

We must stand by our principles. We must overlook all little personal matters; they are too small, — they are too trivial to interrupt our course. We must look upon ourselves as constituent parts of a great, a mighty, a growing nation, — and follow out that which is right, just, and proper for a nation, as best we may, encountering and overcoming obstacles, and not always doing all that is abstractly right, because we have not the power to do so, but not, therefore, neglecting to do the good which is in our power.

When I walk hence to Beverly, I may wish to go in a straight line; I shall then walk into the sea. When I go out of this hall, I wish to go in a straight line; I shall then knock my head against a post. I must, then, avoid the post and avoid the sea. I look at the end to be attained, at the object to be secured, viz.: the true democratic administration of the government of the United States. I will try to make it democratic first, and then I will try to make it do what is right.

I do not know, then, that I need to go further on this day into any question of political detail. I will make one single remark. My term in the present session of congress not having yet expired, and as I am now obliged to return, if my friends will do me the favor to meet me at some time between this and November next, then I will take the opportunity to explain my application of these great principles to the leading questions of public policy as they occur.

CHAPTER XI.

MR. RANTOUL'S SUDDEN ILLNESS AND DEATH.—EVERYWHERE BY THE LEADING MEN OF THE COUNTRY MOURNED AS A PUBLIC LOSS.—HOW THE TIDINGS OF IT WERE RECEIVED IN HIS NATIVE STATE.

UNSEEN by the human eye, with silent foot, the hour drew near, which was to terminate the labors of this active and able friend of his country and of human liberty. Of the great men who in 1852, were summoned to "put on immortality," Robert Rantoul, Jr., in all the elements of moral worth, intellectual activity, practical usefulness, and beneficence to mankind, was one of the greatest. His life was a scene of incessant labor in the cause of liberty, justice, and humanity. Of every subject to which he directed his attention, gaining with unparalleled facility a profound knowledge, a thorough mastery, he devoted his acquirements, with an honest and inflexible purpose to advance the welfare of society, yet he sounded no trumpet before him. He went forward modestly, yet firmly, doing his duty with a deportment and exterior perfectly unpretending. His manners were gentle, quiet, and unostentatious. In personal appearance of medium height, with a frame well formed, but rather delicate than robust, his hair originally black, but fast becoming gray, his face slightly pale, favoring the brilliancy of his dark luminous eyes, his lips, gracefully cut and very expressive, his head moulded most happily for the development of a sound and energetic intellect, with a temperament prompting to incessant activity, Mr. Rantoul, so full was he of mental vitality, seemed one of those persons to be thought of only as living.

His death, in an uncommon degree, took every one by surprise, — not from its suddenness so much as what seemed its unsuitableness to a nature so full of undying life. The electric shock which ran through the community, conveying the sad intelligence, went through the hearts also of thousands who had personally known him, and of hundreds of thousands to whom his name was familiar. Few men have been called from the scenes of American civil life whose death caused more unaffected sorrow and tender grief. Many a stalwart, broad-chested farmer, sunburnt sailor, paler but not less energetic mechanic, many a stranger, who knew him only from his works, his faithful and eloquent advocacy of those great principles of liberty and justice on which depend the culture, the civilization, and the happiness of mankind, have individually sought his grave, and there shed silent tears over his remains. Oh! what "storied urn or monumental bust" could so honor his memory?

The fatal character of his illness was scarcely discovered before it had passed beyond remedy. Beginning in a slight eruption upon a single point of his forehead, hardly noticeable to himself but for the irritation which wearing his hat occasioned it, he considered himself well on Monday, August 2d, and it was not till Wednesday, the 4th, that erysipelas developed itself, and he was persuaded to receive medical advice. He was the less ready to do this, from his holding decidedly the opinion that nature in most cases of disease needs but the fair play which abstinence gives, — a rule much more to be commended to the intemperate than to the habitually abstemious. He still pursued to its completion his preparation of a speech on the fisheries, — a subject in which the whole country, and his constituents especially, felt a deep interest, and of which he possessed more thorough and accurate knowledge than any other man in congress. Even so late as Thursday morning, the earnest remonstrances of his friends, only, could prevent him leaving his lodgings for the house of representatives. On this day, August 5, far from feeling himself in any danger, he yet allowed his family to be informed of his indisposition by telegraphic despatch; and it was not till Friday evening that his disease manifested its alarming and malignant character. He became much worse; but on Saturday, even after Mrs. Rantoul's arrival, hopes were indulged of a favorable change in his disease. He conversed with her at intervals, and expressed, in the most affectionate manner, his extreme satisfaction that she could be present with him, constantly holding her by the hand, and carrying it, after he had lost the power of speech, from his lips to her cheek, thus indicating the full strength of the intellect and delicacy of affection which had ever distinguished him. He gradually sank, however, and at half-past ten o'clock on the evening of this day, August 7, 1852, quietly breathed his last.

Mr. Rantoul left but two children. The eldest, Robert S., was born June 2, 1832, and Charles W., born April 24, 1839. Their course in life, full of promise, though clouded by the early loss of their paternal counsellor and guide, yet consoled by the affection and directed by the judgment of her, whose words of love first awakened in their minds the sentiments of duty, will be watched with deep interest, and cheered by the warm sympathy of numerous friends, to whom their father's voice yet speaketh. His elevation of moral sentiment, his spotless integrity, his inflexible attachment to the principles of liberty and justice, his brilliant, effective, and unremitting advocacy of the democratic cause, his heart and voice always with and for the people instead of party, have left a glorious legacy to his family and his country. Massachusetts shall yet do honor to one of the most distinguished of her sons, and the democracy of the Union, from generation to generation, shall lay upon his grave fresh laurels and the benedictions of the free.

" But earthly honors are nothing to him now ; nor do we look back on those which he has received with half the satisfaction which we feel in contemplating those qualities of mind and heart, which caused them to be worthily bestowed upon him. As to be, rather than to seem, was the one aim of his life, so it consoles us rather to remember what he was, than what the world esteemed him to be, however he may have been ranked in the world's opinion, or whatever guerdon the world may have had in store for him." — (*Eulogy on Judge Woodbury.*)

With these simple words of affectionate homage to great moral and intellectual eminence, — a tribute so perfectly applicable to its lamented author, although written for his friend. — this work might appropriately close. But as there are those who will be interested in the proceedings of congress in relation to Mr. Rantoul's death, and who would not fail to know the touching manner in which the inhabitants of Beverly, the place of his nativity and his home, and the public generally, unitedly and affectionately expressed their sympathy with his family in their sorrow, it is thought that some of these details should be here recorded.

In congress, Mr. Rantoul's death was announced to the house by Hon. Horace Mann, and to the senate by Hon. Charles Sumner, of the Massachusetts delegation, in terms eloquently expressive of the loss sustained by the whole country. Mr. Mann said: —

Mr. Speaker, — I rise to perform the melancholy service of announcing the death of the Hon. Robert Rantoul, Jr., late a member of the Massachusetts delegation in this house, who expired at his lodgings, in this city, on Saturday evening last, at half-past ten o'clock.

After referring to the disease which was the supposed cause of his sudden death, and bringing into view some points of his biography already familiar to the reader, the eloquent gentleman continued: —

Mr. Rantoul's mind was singularly keen and acute. Yet he did not use his keenness and acumen as they are so often used, to cut and pierce at random, but to strike the joint and trace out the marrow of whatever subject he dissected. The working of his faculties was rather judicial than forensic. Logic predominated over rhetoric. Words were his counters, not his coin. The spectator was less struck by the glitter of his battle-axe than by the precision of its blow. He was of too kindly a nature to generate much satire; yet against oppression and fraud he could be severe. Either consciously or unconsciously, he recognized the great truth that no moral being can see virtue and vice as they are, and the eternal antagonism between them, and love the former without hating the latter. He who thinks it is his duty to look complacently upon wrong, mistakes torpidity of conscience for charity.

Mr. Rantoul's attainments were all in harmony with his original cast of mind, — not showy, but solid; not gathered for ostentation, but for use. There was depth enough in his stream of thought to make a score of brawling rivulets. In promiscuous company, while the conversation roamed and floated over the levities of literature or the frivolities of history. I have known him to sit by the hour almost dumb; but when the conversation struck into the depth and heart of things, when it discussed the great events that join and articulate the history and fortunes of mankind, then suddenly it became his turn to shine; and he would set forth his principles, and march up his close battalia of facts and arguments for their support, till the rash disputant who encountered him would require a library of books and months of time to study up to his positions.

But, Sir, I will not pursue these remarks, each sentence of which is a fresh remembrancer of our loss. In the vigor of his manhood; his disciplined faculties all ready and eager for effort; his stores of knowledge wonderfully full; his fame already bright and high, though not yet culminated, he has been suddenly stricken down. I do not say that this proclaims to us the vanity and worthlessness of life; for that is a doctrine I do not believe; but do not its admonitions strike us with a voice "loud on the heart as thunder on the ear," proclaiming that it is only those acts of duty and benevolence which survive the actor, and whose effects go on widening and deepening in an unending progression of beneficence after we have departed, that can give true dignity and beauty and nobleness to our transitory existence upon earth? If, as I believe, death is but an event in life, our Book of Judgment, our rewards and penalties in another world, may at least partly consist in our beholding the consequences, then fated and inexorable, of our former conduct.

While remembering the widow and the orphan sons of the deceased, there is a venerable form in that group of family mourners who must not be forgotten. Mr. Rantoul, the senior, is a gentleman of more than three-score and ten years, of great worth and excellence of private character, for many years a member of one branch or the other of our State legislature, and universally respected. Of his eight children, six have now gone before him. Our friend, my colleague, was his only surviving son. In such a case, truly, it may be said, "'t is the survivor dies." A lone and solitary parent, bereft of his children, has been compared to an aged tree, stripped of its foliage and its limbs, and casting its shade by its trunk, and not by its branches, —

> "Trunco, non frondibus efficit umbram."

Oh, may the Spirit of God descend with healing, when this last arrow pierces that aged heart!

Mr. Speaker, I move the adoption of the following resolutions: —

Resolved, That this house has received with deep sensibility the announcement of the death of Hon. Robert Rantoul, Jr., a member of this house from the State of Massachusetts.

Resolved, That this house tenders to the family of the deceased the expression of its sympathy on this affecting event; and, as a testimony of respect for his memory, the members and officers of this house will wear the usual badge of mourning for thirty days.

Resolved, That the clerk of this house be directed to communicate a copy of these proceedings to the family of the deceased, and also to the senate.

Resolved, That, as a further testimony of respect for the deceased, this house do now adjourn.

In the senate a message was received from the house of representatives, giving information of Mr. Rantoul's death and the resolutions of the house read, when Mr. Senator Sumner rose and said:—

Mr. President,—By formal message of the house of representatives we now learn that one of our associates in the public councils has died. Only a few brief days,—I had almost said hours,—have passed since he was in his accustomed seat. Now he has gone from us forever. * * * * * During a brief period he held a seat in this body. Finally in 1851, by the choice of his native district, remarkable for its intelligence and public spirit, he became a representative in the other branch of the national legislature. * * * * * He was a reformer. In the warfare with evil he was enlisted early and openly as a soldier for life. As such, he did not hesitate to encounter opposition, to bear obloquy, and to brave enmity. His conscience, pure as goodness, sustained him in every trial, even that sharpest of all, the desertion of friends. And yet while earnest in his cause, his zeal was tempered beyond that of the common reformer. * * * * * Determined and tranquil in his own convictions, he had the grace to respect the convictions of others. * * * * Some of his most devoted labors, commencing in the legislature of Massachusetts, were for the abolition of capital punishment. Perhaps no person since that consummate jurist, Edward Livingston, has done so much by reports, articles, letters, and speeches, to commend this reform to the country. With its final triumph, in the progress of civilization, his name will be indissolubly connected. * * * * * In becoming harmony with these noble causes was the purity of his private life. Here he was blameless. In manners he was modest, simple, and retiring. In conversation he was disposed to listen rather than to speak, though all were well pleased when he broke silence and in apt language declared his glowing thoughts. But in the public assembly, before the people, or in the legislative hall, he was bold and triumphant. As a debater, he rarely met his peer. Fluent, rapid, earnest, sharp, incisive, his words at times came forth like a flashing cimeter. Few could stand against him. He always understood his subject; and then, clear, logical, and determined, seeing his point before him, pressed forward with unrelenting power. His speeches on formal occasions were enriched by study, and contain passages of beauty. But he was most truly at home in dealing with practical questions arising from the practical exigencies of life.

Few had studied public affairs more minutely or intelligently. As a constant and effective member of the democratic party, he had become conspicuous by championship of its doctrines on the currency and free trade. These he often discussed from the amplitude of his knowledge; and his overflowing familiarity with facts, statistics, and the principles of political economy, poured upon them a luminous flood. But there was no topic within the wide range of our national concerns which did not occupy his thoughts. The resources and needs of the West were all known to him; and the western interests were near his heart. As the pioneer, resting from his daily labors, learns the death of Rantoul, he will feel a personal grief. The fishermen on the distant eastern coast, many of whom are dwellers in his district, will sympathize with the pioneer. As these hardy children of the sea, returning in their small craft from their late adventures, hear the sad tidings, they too will feel that they have lost a friend. And well they may. During his last fitful hours of life, while reason still struggled against disease, he was anxious for their welfare. The speech which in their behalf he had hoped soon to make on the floor of Congress, was then chasing through his mind. Finally, in broken utterance, he gave to them some of his latest earthly thoughts. * * *

At last he stands face to face in His presence whose service is perfect freedom. He has gone before; you and I, Sir, and all of us must follow soon. God grant that we may go with equal consciousness of duty done. I beg leave to offer the following resolutions:

Resolved, unanimously, That the senate mourns the death of Hon. Robert Rantoul, Jr., late member of the house of representatives, from Massachusetts, and tenders to his relatives a sincere sympathy in this afflicting bereavement.

Resolved, As a mark of respect to the memory of the deceased, that the senate do now adjourn.

The resolutions were adopted and the senate adjourned.

The legislature of Massachusetts passed resolutions of condolence and sympathy which the governor duly presented to the family of the deceased. The city of Salem, besides passing resolutions expressive of respect for his purity of character, his great talents and worth as a man and a statesman, voted to attend his funeral by her constituted authorities. The sentiments of deeply-felt regard and sympathy, were spontaneously expressed by resolutions in the cities of Lynn, Charlestown, Lowell, Worcester, and other towns, either by the local authorities, or by numerous associations of individuals who mourned his death.

The town of Beverly, the place of his nativity and his home, without distinction of sect or party, unanimously passed and carried into effect the following resolutions: —

Resolved, That while we desire to acquiesce humbly in the decree of Providence which has called from this life, and from a sphere of extensive and highly valued influence, our late eminent representative, fellow-citizen, and friend, we would testify our strong conviction of his great talents and worth, and of the irreparable public and private loss which has been sustained.

Resolved, That in our poignant grief we will not overlook the peculiar and sweet solace we may find in dwelling on the useful direction he ever sought to give to his great powers, and on the uprightness, purity, and amiableness by which his character was marked and adorned.

Resolved, That by the impulse he powerfully assisted to lend to the cause of education, temperance, and humanity, he is entitled to a high rank among the moral reformers of the age, and as such will be long and gratefully remembered.

Resolved, That while we would tenderly refrain from lifting the veil which his death has thrown over the domestic circle, we respectfully offer to his family and relatives our most heartfelt sympathy, and freely mingle our tears with theirs, over the bier of one whom our whole community mourns as a friend, and who was so widely and warmly regarded and beloved.

Resolved, That we would respectfully recommend that all places of business be closed on the afternoon of the funeral, that the whole community unite with the family of the deceased in showing their respect for the dead. Voted, that the secretary be requested to present a copy of the resolutions to the family of the deceased.

To show the opinion entertained of Mr. Rantoul's political course by an impartial observer of Massachusetts politics, whose political affinities were opposed to those of Mr. Rantoul, we make the following extract from a letter received from Wendell Phillips, Esq.: —

* * * * * Mr. Rantoul's death was a national loss. He was not only one of the ablest, if not the very ablest man in the democratic party, but for honesty as well as intellect his name deserves to be written near that of William Leggett. At the moment of his death he was the key of New England politics, the only man of whom it could be hoped that he was willing and able to change the democratic ranks here from a party of spoils to a party of progress.

For the sake of his own fame, his early death is especially to be lamented, as his character and services had just begun to be appreciated. I was bred a whig, and well remember my early and strong prejudices against him. Some of his friends have never appeared to me to do him full justice. He was one of those politicians, rare in any land, hardly to be spoken of in the plural number, in America, who sacrifice their ambition to their ideas. Conscious, as he must have been of great powers and evidently ambitious of high position, he became a democrat *in Massachusetts*, where his party was in a hopeless minority, and when to favor free trade and oppose banks was looked upon as little short of insanity. Having thus cut himself off from all but strict party support, he alienated his political friends by a frank advocacy of the temperance cause, which, it is not unjust to say, has never been a favorite with the democratic party here. Plainly told, by its leaders in 1838, that if he supported the "fifteen gallon" law, he did it at his peril; he neither relented nor kept silent, but by his zeal, provoked an opposition so malignant and undying that in every emergency afterward, to the very last year of his life, it made a point of thwarting him, and was often able, by the command of a few hundred votes, to defeat his election.

There was one element of Massachusetts favor left which a *prudent* politician would have been careful to secure, — the good opinion of the orthodox sects. These, again, Mr. Rantoul alienated by his untiring advocacy of the abolition of capital punishment. They had looked coldly and with some suspicion on his liberal views while a member of the Board of Education; and any common politician, however desirous to ameliorate penal legislation, would have contented himself with one frank expression of his feelings and then have dropped the unwelcome subject. But Mr. Rantoul incurred the hostility of the strongest and most unforgiving of sects, by his unwavering, enthusiastic, outspoken opposition to the gallows; whether in the legislature or out of it; before legislative committees; through the press and in conventions, — often making opportunities where he did not find them.

Surely, judged as a politician, this man gave fair evidence of preferring his convictions to his interests. One might be a democrat in a whig State, solely from far-sighted policy, and at best that is only to wear the badge of one party in defiance of others. But to be a *temperance, gallows-hating* democrat in an orthodox State, and a rum-democratic party, ought to gain a politician the credit of following principle regardless of loss.

On the question of slavery I always wished he had been more radical; had shown a more profound sympathy with humanity and deeper principle. But thus much must be allowed; living in a district strongly anti-slavery, he never made hollow pledges to gain votes, and when he had once uttered a sentiment or made a pledge, no one thought it necessary to watch him: certain that he would more than fulfil his promise, and that in the position he had taken, or in advance of it, you would be sure to find him, no matter how long your absence. In our political arena these are rare merits.

The following paragraphs are extracts from an account of his funeral, and the sentiments of the press: —

OBSEQUIES AT BEVERLY IN COMMEMORATION OF HON. ROBERT RANTOUL, JR.

[From the Commonwealth.]

Yesterday (Tuesday) was a sad day for the old and honored town of Beverly. The mournful and unexpected decease of her favorite son, Robert Rantoul, Jr., under circumstances of such painful character, was well calculated to call out the warmest tribute of respect to his memory, as well as poignant sorrow for his loss, even were there not associated with his person all that should make his name revered as a neighbor, citizen, townsman, and representative. Indeed, never before have we witnessed so unmistakable a feeling of heartfelt regret at the death of a public man as was afforded at the funeral ceremonies of the able and distinguished representative of the Second Congressional District. Other men may have stood higher on the roll of fame, — other funeral pageants may have been more august and imposing, — but never was there the man or the occasion that called out truer or more deep-seated emotions of regret and sorrow than those which attended this testimonial of respect from his old companions, towns-people, and friends.

At an early hour in the day, all the stores, offices, banks, and other places of business were closed. The stroke of the artisan became hushed. Dwellings and shops vied in the display of the sombre habiliments of mourning. The shipping at the wharves hung their colors at half-mast in commemoration of him whose eloquent words oft had been uttered in their behalf. All over the village, little knots of men might be seen in impressive conversation upon the sad event which had not only befallen the town, but the State and nation. Within doors, nought was scarce spoken but what pertained to the deep affliction which moved the whole community. Old and young, male and female, the school-attendant and the retired business-man, the mechanic and the member of the profession, all seemed equally to feel the common loss. One deep, universal, all-pervading sentiment of sorrow influenced the thoughts and controlled the action of the entire population. Not the least shade of a partisan cast was observable during the whole obsequies.

At intervals during the day, the bells of the several churches gave out their funeral peal. The town-hall was robed in double festoons of black. The post-office was closed, and tastefully symbolized. The Citizens' Reading Room also gave its indication of the loss to the republic of literature and letters by suitable drapery. The merchants and traders added to the general testimonials of the worth of the man who had departed.

At the First Unitarian Church, where the services were held, the arrangements were equally appropriate and becoming. In the vestibule, in full sight of all who entered or departed, was placed all that remained of the eminent legislator and statesman, enclosed in one of Fiske's metallic coffins, tastefully decorated with fragrant flowers. This testimonial was in keeping with the pure taste of the deceased, who was extremely fond of flowers and shrubs. Upon the plate was the simple inscription:—

ROBERT RANTOUL, JR.,
BORN, AUGUST 13, 1805;
DIED, AUGUST 7, 1852.

In the meantime, the various societies, associations, and companies, together with the school children and citizens generally of the town, and the members of the bars of Essex and Suffolk counties, met in different apartments of the town-hall, and were formed in procession for attendance on the services of the church.

Arrived at the church, the doors were thrown open, when the procession and the public generally entered, filling in a few moments every seat and standing-place, including the aisles and pulpit-area.

The solemn services were commenced by a mournfully appropriate voluntary on the organ, executed with much accuracy and feeling. The pastor of the church, (being the one at which the deceased regularly attended when at home,) Rev. C. T. Thayer, then read with emotion the hymn, commencing,

"Friend after friend departs,"

which was sung with marked solemnity by a well-trained choir.

Rev. Dr. James W. Thompson, of Salem, followed in the following beautifully-appropriate remarks, to which a breathless attention was given: —

"The Lord is in his holy temple; let all the earth keep silence before him." "A voice comes to us from heaven, Be still and know that I am God." "How unsearchable are his judgments and his ways past finding out." "For of him, and through him, and to him, are all things: to whom be glory forever!"

> "God moves in a mysterious way,
> His wonders to perform;
> He plants his footsteps in the sea,
> And rides upon the storm."

Friends and Brethren, — It is on no ordinary occasion that we are here convened. The general suspension of common pursuits — the stillness that reigns around this multitudinous assembly — the mournful strains of the choir to which we have just listened — the sadness expressed in every countenance — the sighs that escape from heavy-laden hearts — the strangers who have taken their seats amongst us, as if drawn hither by powerful sympathies — the neighboring city present by her chief magistrate and his official associates — and the congress of the nation by its delegated representatives, — all indicate that it is for an unusual purpose that these doors are opened to-day; that some extraordinary event has occurred, deeply and widely felt; that some mysterious dispensation from the great Lord of life has turned our harp to mourning and our organ into the voice of them that weep, and instead of the garments of praise, has filled us with the spirit of heaviness. And so indeed is it. We are assembled amid deeper solemnities than those which pervade even the house of God in the sacred season of worship. A bereaved family mourning that its stay and staff is taken away, — an afflicted community sorrowing that a brilliant jewel and ornament of beauty hath been plucked from its crown, — a saddened nation lamenting that one of its polished and stately pillars hath crumbled into dust, — are gathered together here, as the fittest place for such a purpose, to give expression to their grief, and implore the solaces of religion! We are here but for a few moments. Like our life, our stay must be short; for we are pilgrims moving onward to another resting-place. We only pause in this house of God to renew our strength from its provisions, and to slake our thirst at that river which flows fast by the heavenly oracles, and then pass on to that other house, which is equally with this, the gate of heaven, — where time and eternity meet and mingle, and mortality is swallowed up of life. We stop here at the cross on our way to the sepulchre, to kindle our faith by looking on Him who died that we might live, and who left the world to prepare a place for all who do the will of his Father.

It is no part of the duty assigned to me in these sad solemnities to relate the history or delineate the character of the distinguished friend whose obsequies we celebrate. It is not for me to speak of his genius — of his varied and extraordinary attainments — of his unsurpassed industry — of his comprehensive and philanthropic statesmanship — of the steady inclinations and aims of his heart towards whatever might improve the condition, promote the welfare, and elevate the character of his fellow men — of the simplicity and modesty with which he bore the honors of eminent station — of the purity of his private life — of the affectionateness of his nature, which made him almost the idol of his domestic circle, — treasured fruit of that almond-tree which blossomed while he was yet young, the joy of sisters, the pride of sons, dear to her who shared his bosom confidences, and who participated to the full in the satisfactions of his renown, — so dear that it "cannot be valued with the gold of Ophir, with the precious onyx, or the sapphire. The gold and the crystal cannot equal it, and the exchange of it shall not be for jewels of fine gold." We come but to bury him! Yet, not this, till by meditation and prayer we have consecrated his death to the uses of our spiritual life, till from this page of the book of Providence we have read and applied the touching and all-concerning lesson of life's uncertainty, and the fragility of our mortal hopes, till we have sought instruction in divine things from the book of Revelation, till we have bowed our heads together in meek devotion and humble prayer before the Mighty Father, who, for our profit doth chasten us that we might be partakers of his holiness. Then, we bury him! Yet not *him*, but only that garment of flesh in which his immortal being was clothed, and which, formed of the earth, returns of right to the dust, from which it came, — not *him*, for the soul which is the inspiration of the Almighty cannot see death; it bears the image of God's eternity; it lives forever!

"Eternal process moving on,
From state to state the spirit walks;
And these are but the shattered stalks
Or ruined chrysalis of one."

And how fit is it, my friends, that we should engage in this service here! For with the congregation worshipping at this altar our departed brother was joined in the highest of human relations. And here, at this hallowed shrine, where his infancy was consecrated in the name of the Father and of the Son and of the Holy Ghost, and whither his youthful feet were led by the hand of parental affection, we may trust his manly heart was accustomed to offer acceptable sacrifices to that

Infinite One who hath now removed him from the toils and ambitions, the duties and trusts, the hopes and responsibilities, the joys and sorrows of this present evil world to the unknown and unimagined realities of the world that is unseen and eternal!

And most kindly is it ordered that these sad rites should be performed in this town, where our friend first saw the light, where was his cherished *home*, where so many of the companions of his earlier and of his maturer life still dwell, where but one sentiment pervades all bosoms in view of his departure, and where his name and fame will be sure to be kept as a rich legacy from generation to generation! Members of this congregation! Inhabitants of this town! — is it not some alleviation to your sorrow, that he died at the post of duty and in the midst of his highest usefulness? Is it not a peculiar felicity gilding the darkness of this dispensation that he was not called away till by his most recent public acts he had made the cause of freedom and humanity eternally his debtor?

My brethren, you needed not this occasion to remind you that death is always a solemn event, that we cannot tell what a day may bring forth, and that no man is surer of to-morrow than the weakest of his brethren. For how often, alas! has this lesson been read to us! Sudden death is by no means God's strange work. How does it behoove us, then, to be watchful, since we know neither the day nor the hour when the Son of Man cometh! Yet, let Him come when He may, we cannot doubt that death is, in all cases, wisely ordained. We live in the religion not only of the Redeemer, but of the Comforter. We live in the light of a Gospel which has stripped from death many of his terrors, which assures us of a hereafter, which teaches that man is of kindred nature with God, being his offspring, which bridges over the dark gulf that separates the seen from the unseen, and unites us by faith with that great multitude which no man can number who stand before the throne and before the Lamb clothed in white robes and palms in their hands, and whose joyful song forever is, "Salvation to our God which sitteth upon the throne, and unto the Lamb!" With the consolations of this religion may you all be comforted! And may the affecting admonitions of this occasion be wisely improved by us all! May they reach the hearts of the people of this land with a sanctifying influence! May they touch the high places of authority with a tender sensibility! And may they lead all who hear them with awakened consciences and religious fear to consecrate themselves to duty and to God?

This address was followed by the reading, by the eloquent divine, of several passages of Scripture, peculiarly appropriate to the occasion.

The services were continued by an earnest and deeply touching, as well as peculiarly appropriate prayer from Rev. Mr. Thayer, who most tenderly sought to assuage the grief of the mourning relatives and friends, through the interposition of Providence, by reason of the loss that had befallen them. His supplications were alike truly devotional, chaste, and heart-soothing, yet permeated throughout with a heavenly faith in the wisdom of God, strengthened by Divine assurances, in this mysterious dispensation.

The 602d hymn of the Unitarian Collection, commencing —

"Unveil thy bosom, faithful tomb,
Take this new tribute to thy trust,
And give these sacred relics room
To seek a slumber in thy dust," —

was then sung most appropriately by the choir, followed by a Benediction from the pastor, when the church services closed.

SENTIMENTS OF THE PUBLIC PRESS.

[From the Boston Times.]

* * * Mr. Rantoul was one of the first orators of the day. His rapidity of thought found in his utterance a worthy organ. No man among our public speakers could say so much in so short a time; and but for the singular clearness of his ideas, and the purity of his language, he would have defied the art of the reporter. His logic was convincing as it was acute; without being subtle, he accomplished with it far more than is often gained by the subtlest of logicians. He was one of the most original of orators and writers, and at the same time his acquirements were prodigious, and always at command; and when used, were not coupled with that pedantry which comes from the weakness of mental assimilation in too many great readers. His mind was like a vast and well arranged library, which could be drawn upon at any moment for the facts desired, apparently without labor. He was familiar not only with the literature of classical antiquity, and that of England, but also with the writings of the great masters of the French, Italian, German, and Spanish languages. In the departments of history and political science he was unrivalled for knowledge, and we do not believe that he has in these respects left behind him any equal.

Mr. Rantoul was a strong friend to all the liberal ideas and movements of the day. His arguments in support of the abolition of the barbarism of hanging are among the most valuable contributions to the political literature of the country. He urged this question upon the public mind with great force, and the practical uprooting of the gallows in Massachusetts, at the last session of the legislature, was in no small degree the result of his powerful and benevolent exercises. He was a strong friend of education, in behalf of which he both wrote and spoke much. Of temperance he was a consistent and bold advocate. He was an ardent advocate of freedom of trade, long before that doctrine had become so popular as it now is, either in this country or England. Whatever difference of opinion may exist on the policy of some of his latest speeches on a subject that has excited much attention, no one not steeled against the voice of reason can doubt either of the ability therein displayed, or the purity of the motives by which the orator was actuated in delivering them.

Both as a public man and as a private citizen, Mr. Rantoul's character was beyond reproach. He was eminently pure in all the relations of life, and the breath of calumny was never directed against him. Depressed as his relatives and friends are by his untimely death, they are consoled by the reflection that his virtues must have made the approach of the awful hour one of comparative calm to him. At the same time, it is one of the perplexities that are so constantly besetting us in this life, that one so endowed for good, and whose career had been spotless, should be removed from a world which by his labors and example he was so well calculated to benefit, far before he had accomplished the end of his being, and when he was apparently about to be placed at the head of that new class of statesmen to whom the guidance and direction of the country's affairs are soon to be consigned.

[From the Newburyport Union.]

Robert Rantoul, Jr., is dead! How terribly does this annunciation strike upon our minds! That he, learned, liberal, eloquent, great as but few men in the nation are or have been great, — beloved by his friends and respected by all, — is no more. Yet such is the declaration of the telegraphic despatch which was not altogether unexpected, from the report of his condition given on Saturday. The District that he so ably represented, — the State that he honored by his great powers of mind, and the Nation in whose service he labored, and for whose good his patriotic heart was ever ready to yield its all, — will mourn his fall, ere he had reached his prime, — being but forty-seven years of age, — as a loss not easily to be retrieved.

Mr. Rantoul was not alone a statesman, great in his abilities; but he was a man, sympathizing in the tenderness of his soul with every fellow man, and nobly acting with that energy and spirit which were his peculiar characteristics, for the well-being of the race; — for the elevation of the down-trodden masses, — for the extension of liberty to the enslaved and wronged, — for the education of the ignorant, that they might rise to life and hope; and for the general promotion of these virtues that were conducive to man's highest happiness. Hence, in his life, we found him the advocate of common school education, — the temperance movement, the prison discipline reform, and the enemy of the gallows, — of unequal and tyrannical legislation in the North, and those hideous features that despotism has assumed in the South. Yet his was not heated passion, rioting against law and order and society; but the deductions of sound reason, — the calculations of cool philosophy, — the thoughts of a noble mind, and the action of a true patriot. When all else of the man shall be blotted from memory, — when his duties as a State legislator, to the performance of which he brought such rare abilities, shall be forgotten, — when his wisdom as a public officer shall be faded and gone, — his eminence as a speaker be no longer remembered, and his brief, but excellent career in congress be lost in the accumulated annals of that body, then will live the results of the actions of his great and philanthropic heart, blessing mankind in the social and benevolent movements with which he sympathized and acted. Peace to him! Let him rest in peace, and the flowers bloom over his grave, for life's battle, though short, has been well fought, and he has gone to his reward.

[From the Taunton Democrat.]

Mr. Rantoul stood in the front rank of the legal profession. As a forensic speaker, he had few equals, and scarcely a superior. Both in professional and political debate, he acquired a high reputation as a bold and original thinker, an acute reasoner, and accomplished orator. His style of oratory was singularly attractive, — rapid, flowing, nervous, keen, and graceful, formed after no model, and governed by no law but its own inspiration. He was equally in his element, whether at the bar or in the forum, — before the people or in the halls of legislation. His theme, whether it was a dry question of law, to be solved by researches among the cobwebs of legal commentaries and dusty records; a walk in the flowery path of literature; the pursuit of history; the investigation of a commercial problem, or the theory of trade, was ever more the plaything than the task of his peculiar powers.

His was one of the progressive minds of the age. To the cause of free education, he gave his earliest influence and support; to temperance, his voice and his example. Of the abolition of the death penalty, it may be said, that he was its ablest advocate, and that he died, like John Quincy Adams, clothed in the armor of uncompromising hostility to what he deemed the encroachments of the institution of southern slavery. Upon the latter subject alone, he refused to obey the behests of his party, preferring the sacrifice of his political position to the surrender of his own judgment upon a single question of constitutional law.

Mr. Rantoul's career and services require no eulogy. His varied acquisitions from every field of learning, combined to blend in his character the highest attributes of the statesman, scholar, and philanthropist. Whatever may be said of his influence, we ask, where was his equal in the body of which he was a member? His works are his best eulogium. He leaves behind him the record of a laborious and blameless life; and the death of such a man is at any time a calamity to his country. At this crisis in his own career, it is a misfortune to his fame. He has fallen in the midst of conflict, not before an earthly antagonist, but by an unseen hand.

> "The silken chord is loosed, — the golden bowl is broken."

A star in its brightness has suddenly grown dim, and the grave closes over the ashes of one stricken down in the vigor of his years, and before the fulness of his fame. His death is no common loss; to his family, a loss *we* cannot realize; to his constituents, which none can supply; and to his party and his country, a deprivation like the deaths of Silas Wright and Levi Woodbury, tenfold more afflicting for the suddenness of its occurrence.

He is gone! The struggles, the rivalries, and the triumphs of party with him are over. The praise or censure of men are nothing to him now. He has bid farewell to the scenes of his early toils, and the last goal of his ambition, forever! Alas! for the lesson of human greatness! Honor is fleeting; fame is a shadow; the brightest laurels wither upon the brows of men; and the prizes of life crumble to ashes within our grasp!

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